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Senate

The Senate met at 12 noon and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

God of peace, we seek to receive Your peace and communicate it to others throughout this day. We confess anything that may be disturbing our inner peace. We know that if we want peace in our hearts, we cannot harbor resentment. We seek forgiveness for any negative criticism, gossip, or innuendo we may have spoken. Forgive the times that we have brought acrimony into our relationships instead of bringing peace into misunderstandings. You have shown us that being a reconciler is essential for a continued, sustained experience of Your peace. Most of all, we know that lasting peace comes from Your spirit, Your presence in our minds and hearts.

Show us how to become communicators of the peace that passes understanding, bringing healing reconciliation, deeper understanding, and open communication. In the name of the Prince of Peace. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JIM BUNNING, a Senator from the State of Kentucky, led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The Senator from Kentucky is recognized.

SCHEDULE

Mr. BUNNING. Mr. President, this morning the Senate will be in a period of morning business until 2 p.m. Following morning business, the Senate will resume debate on the bankruptcy reform bill under the previous order. There are a few amendments remaining, and those Senators who have amendments under the agreement are encouraged to work with the bill managers on a time to debate their amendments. As previously announced, votes ordered with respect to the bankruptcy legislation will be stacked to occur on Tuesday at a time to be determined.

In an effort to complete the bankruptcy bill, Senators may expect votes throughout the day on Tuesday and Wednesday. Following completion of the bankruptcy bill, the Senate is expected to begin consideration of the nuclear waste legislation.

I thank my colleagues for their attention. I note the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THURMOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BUNNING). Without objection, it is so ordered.

Mr. THURMOND. Mr. President, I am pleased that the Supreme Court announced recently that it will decide whether state governments are bound by the Americans with Disabilities Act.

The issue in the case, Dickson v. Florida, is whether the states are immune from suit under the ADA based on the Constitution's 11th Amendment immunity provision for states. The legal issues are quite similar to Kimel v. Florida Board of Regents, in which the Supreme Court held earlier this month that the states cannot be sued under the Age Discrimination in Employment Act.

This case could be critical to a bill I have introduced, the State and Local Prison Relief Act. This legislation, S. 32, would exclude state prisoners from coverage under the ADA. The Dickson case underscores the need to accomplish the purpose of this bill. The Congress did not consider all of the potential consequences of enacting the ADA, and its implications on prisons is one of the best examples.

The courts have always deferred to the states in the management of prisons. We do not need the federal courts second-guessing the states' decisions on how to best manage and control the volatile prison environment. This is especially true in the face of a statute that creates very specific legal rights for very broad classes of individuals.

The Act is detrimental to the safe, orderly operation of state prisons. Moreover, at the very least, it gives prisoners more of an excuse to challenge authority by providing them more tools to bring frivolous lawsuits against state prisons.

Dickson is a case of great significance. It provides the Supreme Court a unique opportunity to limit the reach of Federal power over state prisons and continue its recent affirmation of the power of the states in our constitutional scheme of government.

Mr. President, I yield the floor. I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, it is my understanding we are in a period of morning business now.

The PRESIDING OFFICER. That is correct.

Mr. REID. I am going to be in control of the time under the control of the Democratic leader today.

The PRESIDING OFFICER. Until 1 o'clock.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

CAMPAIGN FINANCE REFORM

Mr. REID. Mr. President, I have been interested in watching both the Democratic and Republican battles in New Hampshire for the nomination of the respective parties. I was not able to watch personally, but I understand that yesterday Mr. MCCAIN, the senior Senator from Arizona, was interviewed on one of the national shows and talked about campaign finance reform and, in effect, the difficult sledding it has been for him, a Republican, to move forward on this issue.

Based on what the Supreme Court did just last week, I think it is significant to keep our eye on the prize, and that is to recognize that the Supreme Court has now given us the latitude and leeway to be able to do something about campaign finance reform. Senator MCCAIN is to be congratulated for being so responsive to what I think the American public is asking from us. That is to do something about lessening the need for the huge amounts of money in Federal elections.

Senator MCCAIN has been very lonely out there, for being a member of the majority. He has not had a lot of support. I think it has taken a lot of courage for him to move forward with campaign finance reform. I believe if we start talking about the issue, as I have heard Governor Bush say: Well, I can't support campaign finance reform because it will simply help the Democrats——Mr. President, it would help the American public if people took a more realistic view regarding this vital legislation. Let's move forward with legislation that will take the demand for money out of the mix.

I have said it on this floor before, but I think it is worth repeating. In the small State of Nevada, with less than 2 million people, $23 million was spent in my last reelection. No one outspent the other. My opponent spent the same amount of money I did—a little over $4 million, for the individual campaigns. We each spent, through the various parties, money on our behalf, basically, $6 million each. That is $20 million. Plus, we don't know, but I have estimated there was another $3 million on independent expenditures.

That is out of line. It is obnoxious, it is obscene, it is too much money. We have to arrive at a point where we have to take this soft money mix out of campaigns. We may not be able to do everything included in the McCain-Feingold bill that we need to do, but let's work toward a compromise that at least takes corporate money out of campaigns.

Earlier in this century, the decision was made by Congress that corporate money should not be allowed in Federal elections. Over the years, that has worked fine. But in a ruling the Supreme Court said, well, you still can't use corporate money on individual campaigns, but State parties can use it basically any way they want. As a result of that, there has been this tremendous rush by both parties for corporate money, and they spend it on behalf of individual candidates. I think that is wrong. We should reverse that statutorily. As I reviewed the Supreme Court decision, it was clear that, in fact, was the case. Justice Souter did a very good job in writing that opinion. It is clear and concise. I think we should move forward and have campaign finance reform.

Mr. President, beginning this congressional session, the last year of this Congress, it is important that we reflect on where we are and where we need to go. It seems pretty clear we have made great progress in getting the country's fiscal house in order. Just 7 years ago, when President Clinton came into office, the yearly budget deficit was more than $300 billion, especially if you add in the Social Security surplus, which was being used for years to mask the annual deficit. Instead of having these $300 billion-plus deficits every year, we will now, for the second year in a row, have a surplus.

It is difficult for those of us who have served in this body for a few years to understand that we are now talking about what we should do with our surplus. During this period of time, we have created over 20 million new jobs. The vast majority of the jobs are high-wage jobs, good jobs. We have low unemployment, low inflation, strong economic growth, and lower Government spending. We have cut the payroll of the Federal Government by over 300,000 individuals, excluding the cuts that have been made within the military.

We are doing a much better job. We are at 18.7-percent Federal Government spending as a share of gross domestic product, and that is the lowest since 1974. That is real progress. Real hourly wages are up. We also have strong private sector growth, and as I have indicated, low inflation. The underlying core rate of inflation is at its lowest since 1965. In the last four quarters, the GDP price index has risen only 1.3 percent, which is the lowest rate of increase since 1963.

We are talking about decades and decades of improvement. We have reduced welfare rolls. Both parties worked together to bring about less welfare. That is important. Not only are we seeing people move off the welfare rolls, we are putting people to work. We have high-home ownership. We have jobs in the auto industry. People said a few years ago that the American automobile industry was dead and that we should forget about again being somebody who produces most of the cars in the world. That was reversed because of good decisions by management and tremendous production by labor.

Since 1993, we have added almost 200,000 new auto jobs. The annual rate of adding auto jobs is the fastest we have ever had. I think we are doing very well.

Regarding the construction industry, all we have to do is look at the State of Nevada which leads the Nation, and has for 14 years, as the fastest growing State in the Union. We have cranes—some use the old term that it is the ''national bird''—all over the State of Nevada, with construction going on. But Nevada is not the only place; this country is in a period of phenomenal economic growth. There are still sectors that need improvement, but we have done fine. We are looking now to improving people's lives. We are now looking into issues that we never have before.

I am sure that you, just as the Senator from Nevada, find all this Internet stuff kind of new. It is something we didn't have when we were growing up, and it has taken some training and some real education to become somewhat computer literate. It is so easy to become computer literate. You can order anything you want off the Internet. You can order CDs, water, and many other items.

The other Saturday morning, I turned on my computer to find out what the news was in Nevada. They have a little teaser there almost every time you turn on the computer about different services rendered. One of the things on my computer said, ''Do you want to sell your house?'' My wife and I, with our children being raised now, are considering moving from our home where the kids were raised to a smaller place. And so I clicked on that little thing on my computer, and within 5 minutes, on my screen in McLean, VA, where we have our home locally, I found places where homes were sold in the last 2 years and for how much they were sold.

There is so much on the computer that it is difficult for me to comprehend. That brings about another problem, and that is our privacy. Is our privacy being protected with all the things happening on the Internet? Some say yes, some say they are not too sure, and some say no. This is something at which we as a Congress need to take a look. We need extensive hearings to determine how safe information is on the Internet.

Are our medical records being protected? If your wife, your father, your brother, your sister goes to the hospital, are their records being protected? Is your privacy being protected? Is your credit card protected on the Internet? Are, in fact, these people who are getting information on the net selling this information to other people? These are questions raised in this new, modern society in which we live and at which Congress must take a look. We didn't have to look at those things just a short time ago.

In addition to recognizing that our economy is in great shape, we have things on which we have to work. We have to realize we have new challenges ahead of us. Privacy is one of them.

I talked about campaign finance reform. That is so important to us. We need to take a look at that. But also we have to take a look at what is happening to the health care delivery system in our country. Every year, over a

million people become uninsured. We have now well over 40 million people who have no health insurance. That is not something that we can say is someone else's problem. It is our problem, just as it is someone else's problem.

Why do I say that? Because when a person who has no health insurance is in an automobile accident, they go to the emergency room—that is the most expensive care that can be rendered. As a result of this, the fact that people who have no health insurance are taking care of that way causes my premiums to go up and yours. It causes higher taxes to be charged for health care, and it, of course, causes hospital and doctor bills to be increased more than they should to take care of those people who have no health insurance.

We must do something about inadequate health care. The fact is that in America, the most powerful nation in the world, we have over 40 million people today with no health insurance. We could add in all of the little things people have talked about such as medical savings accounts and all other such things. If we added all of those and accepted them—some would say no, that is not good, and some of us disagree about the way to go. But let's say we did. We would then take care of only about 3.5 million people, still leaving almost 40 million people with no health insurance. We have to be real and stop talking about these little gimmicks and start talking about the fact that health care is something of which too many people do not have the benefit. Those people who do not have health insurance are being jerked around.

The fact is that we have tried to pass a Patients' Bill of Rights giving people the ability to have health insurance and not to be taken advantage of by big-interest companies and HMOs. That is why we have worked very hard to have a real Patients' Bill of Rights passed, one where people can go to a specialist when they want to; to a health care plan that allows a woman to be taken care of by a gynecologist when she believes it is necessary; a provision so that when somebody does something negligent and wrong, they can be sued. People don't like lawyers unless they need one themselves. With health care, there are times when people do things that are wrong. Individuals need the right to go to court to redress wrongs.

We have a lot to do in this Congress. We don't need to come here and boast about how well we are doing with the economy. We need to do something about the campaign finance problems we have in this country, about our health care delivery system.

It is clear, with all that is going on in our country today, that we need to look at how guns are handled. I have said on this floor before and I say again that I was, in effect, raised with guns. As a 12-year-old boy, I was given a 12-gauge shotgun for my birthday. I still have that gun. My parents ordered it out of the Sears & Roebuck catalog. I learned how to handle weapons as a young boy. We would hunt and do the other things you do with guns. I have been a police officer. I personally have a number of firearms in Nevada.

I have no problem with the fact that if I want to purchase a handgun, I tell people who I am and they can make a determination by checking my identification and whether or not I am a felon or in fact mentally unstable. That is what the Brady bill is all about. Hundreds of thousands of people are granted weapons as a result of that. I am willing to be checked each time I purchase a gun. I don't think that is unreasonable. But there are those who are trying to avoid that by going to pawnshops and purchasing pistols, and, as a result of that, checks aren't made—or they are going to gun shows. We need to close those loopholes. Here on this floor last year, we did that. That was done by virtue of Vice President GORE breaking the tie vote. But the problem is, we haven't gone to conference. We need to take that loophole out of the law. The American public believe that is appropriate. We should at least do that. That is the minimum we can do with guns.

My knowledge about weapons is, I think, average or above, and I don't need an assault weapon to go hunting or to protect my family. These assault weapons need some restrictions placed on them. I am a believer in the second amendment. Nothing that I have talked about today deprives anyone of their second amendment rights.

In this Congress, I hope we can work in a bipartisan fashion to solve some of these problems that everyone recognizes: Campaign finance reform, health care, problems with guns in our society, and other things on which we need to work together to come up with bipartisan solutions to the problems that face this country.

One of the things we worked very hard on last year as a minority—we hope the majority will join with us this year—was to do something about raising the minimum wage. Why is it important that we raise the minimum wage? That is all the money some people get to support their family. In fact, 60 percent of the people who draw minimum wage are women, and for 40 percent of those women who draw minimum wage, that is the only money they get for themselves and their families. It is important that we increase the minimum wage. The minimum wage is something more than a bunch of kids at McDonald's flipping hamburgers; it is for people who need to support their families.

Speaking for the minority, we reach out our hands to the majority. We want to work with the majority to pass meaningful legislation. But I also say we want to approach legislation in the way it has been traditionally handled in this body: For example, the bankruptcy bill, which at 2 o'clock this afternoon will be brought up and we will move forward. We have worked very hard in spite of the fact that there are in the minority some people who support the underlying legislation and some who don't support the legislation. But we have worked to move this legislation forward to have the battles here on the Senate floor. That is why we were disappointed at the end of the last session when the majority leader filed cloture on this legislation when there were only a few amendments left that would take up any time at all. As a result of that, some of us joined together during the break and said: We are not going to let this legislation move forward, we are going to have 45 Democrats voting against cloture, until we have the opportunity to debate these measures which we believe are important.

What were the two things holding it up? One was legislation that said do not do violence to a clinic that gives advice on birth control measures and gives counsel to people as to whether or not they should terminate a pregnancy. This is something that is enforced by the laws in this country. The U.S. Supreme Court ruled that these kinds of clinics are legal. Whether or not you agree or disagree with abortion is not the issue. A person has no right to throw acid in these facilities and do everything they can to stop the business from going forward. There have been lawsuits filed against people who do this. This amendment says if you do that, you can't discharge that debt in bankruptcy. That is what this amendment is all about.

We are going to have an opportunity to vote on this in the next few days. That is the way it should be.

The other amendment that was holding things up and caused cloture to be filed was an amendment by the Senator from Michigan that says if you manufacture guns and there is a lawsuit filed against you because of something you did which was wrong, you can't discharge that debt in bankruptcy. I am paraphrasing the amendment. Senator LEVIN will explain it in more detail.

But we have said, no matter how you feel on the gun issue and abortion, these are issues that have nothing to do directly with these issues; this issue deals with bankruptcy. As a result of that, the minority held firm.

I applaud the majority leader. He withdrew the motion for cloture. We are going to debate this and complete this legislation in the next couple of days. We are willing to work with the majority if we go through the normal legislative process allowing us to bring up our amendment. We worked hard to try to reduce the number of amendments. Some amendments are difficult. Some amendments we don't want to vote on, but that is what we are elected to do—vote on tough issues. We can't avoid those tough votes by filing cloture and knocking all of these amendments out.

Again, on behalf of the minority, we look forward to a productive session

and we will do everything we can to make sure we not only keep the economy moving but also handle some of the more difficult issues that face us in this society.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WYDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRESCRIPTION DRUG COVERAGE FOR SENIOR CITIZENS

Mr. WYDEN. Mr. President, I intend to take a few minutes this afternoon to talk about the prescription drug issue for senior citizens. As many of our colleagues know, I have made it clear that I am going to come to the floor repeatedly between now and the end of the session in the hope we will get a bipartisan piece of legislation through this body that will meet the needs of so many vulnerable older people.

In the past, I have come to the floor and have read two or three of the cases I have been getting from seniors across the country. A lot of these older people, when they are finished paying their prescription drug bills, have only a few hundred dollars a month on which to live. Picture that: After you have paid your prescription drug bill, you pay for your food, your rent and utilities, and you have virtually nothing left over.

I think it is extremely important this Congress pass legislation to meet those needs. I have teamed up for more than a year with Senator OLYMPIA SNOWE from Maine. We have a bill that is market oriented. It would avoid some of the cost-shifting problems that we might see with other approaches. We want to make sure that as we help senior citizens, we do not have to cost shift it over to somebody who is, say, 27 or 28 and just getting started with a family and having trouble with their own medical bills. The Snowe-Wyden legislation avoids that kind of approach.

The reason I am taking a moment to speak this afternoon is because the comments made by the President last week at the State of the Union Address opened up a very wide berth for the Congress to address this issue in a bipartisan way. Prior to the President's comments, I know there was widespread concern by a variety of groups as to what he would say about the issue and how he would say it.

What the President of the United States said in the State of the Union Address on this issue of prescription drugs seems to me to capture our challenge.

First and foremost, the President made it very clear he is aware that in every nook and cranny of this country there are scores of senior citizens who cannot afford their medicine. They simply cannot afford it. His remarks spoke to the millions of older people in this country who walk on an economic tightrope; every month they balance their food bill against their fuel bill and their fuel bill against their medical costs.

After the President described this great need, he did not get into any of the particulars of writing a bill. He made it clear he wanted to work with the Congress to get a bipartisan piece of legislation that will meet the needs of older people.

Yes, he has his approach. His approach—and I am not going to get into all of the fairly complicated details—involves a role for what are called pharmacy benefit managers, PBMs.

The Snowe-Wyden legislation that has been proposed takes a slightly different approach. We use private entities which, in effect, will have to compete for the senior citizens' business.

We think that makes sense as a way to hold down the costs of medicine for older people because it has worked for Members of Congress. The Snowe-Wyden legislation is modeled after the health care system to which Members of Congress belong.

I have been asked again and again whether you could reconcile the President's approach, in terms of using pharmacy benefit managers, and the kind of approach that is taken in the Snowe-Wyden legislation, with these private entities that would have to compete for senior citizens' businesses. I think it is possible to reconcile these two approaches. I think we are making a lot of headway now in terms of addressing this issue, in terms of the parties saying the need is urgent.

We have to come together, in a bipartisan way, to do it. The President opened up a real opportunity for the Congress to come together on this matter.

The reason it is so important, of course, is that we cannot afford, as a nation, not to cover prescription medicine. I repeat that. People ask if we can afford to cover prescription drugs for older people. The reality is, our country cannot afford not to cover prescription drugs.

A lot of these drugs today are preventive in nature. They reduce problems related to blood pressure and cholesterol. I have talked a number of times on the floor about the anticoagulant drugs which prevent strokes. Perhaps it would cost $1,000 a year to meet the needs of an older person's prescriptions for these anticoagulant drugs. Sure, $1,000 or $1,500 is a lot of money, but if you have a legislative opportunity to help an older person in that way, and you save $100,000, which you can do because those drugs help to prevent strokes—and strokes can be very expensive, even upwards of $100,000—that is something our country should not pass up.

The elderly in this country get hit with a double whammy when it comes to pharmaceuticals.

First, Medicare does not cover prescription drugs. It has been that way since the program began in 1965. I do not know a soul who studied the Medicare program, who, if they were designing it today, would not cover prescription drugs simply for the reasons I have given, that they are preventive in nature.

The other part of the double whammy for older people is that the big buyers—the health maintenance organizations, the health plans, a variety of these big organizations—are able to get discounts; and then when an old person, a low-income older person, walks into a pharmacy, in effect, they have to pay a premium because the big buyers get the discounts.

So this is an important issue for the Congress to address.

As I have done in the past, I want to put into perspective exactly what so many of these vulnerable people are facing in our country.

I see our friend from Michigan. I want to make sure he has time as well. Democrats have a few more minutes. I want to make sure my colleague can be heard, as well.

But one of the cases I want to touch on this afternoon follows a 65-year-old senior from West Linn, OR. He wrote me recently as part of the campaign I have organized to have older people send in their bills. He wrote me that he used to have prescription drug coverage when he was working. Now he has no coverage at all. He is taking medication for high blood pressure, for high cholesterol, for heart-related problems. He had triple bypass surgery in 1991 and anticipates he is going to be taking medications for the rest of his life.

He found that, as he tried to shop for medicines, the cost was 18 percent higher than when he had insurance coverage, which illustrates the double whammy that I described.

When he was in the workforce—and the Senator from Michigan knows a lot about this as a result of the company-retiree packages that autoworkers and others have—the workers were in a position to get a bargain. But then that senior retired and lost the opportunity to have some leverage in the marketplace. That senior in West Linn found that his prescription prices were 18 percent higher.

This person from West Linn has written, saying he hopes the bipartisan Snowe-Wyden legislation is successful.

We have received scores and scores of other letters. Because my friend from Michigan is here, and I want to allow him time to talk, I am going to wrap up only by way of saying that the last case I was going to go into in more detail is an older woman in eastern Oregon, just outside Pendleton, OR, who told me during the last recess that when she is done paying her prescription drug bill, she has only $200 a month on which to live for the rest of the month.

Perhaps other people can figure out some sort of financial sleight of hand

so they can get by on a couple hundred dollars a month for their food and utilities and housing, and the like, but that is not math that I think adds up.

We need to address this issue in a bipartisan way. The Snowe-Wyden legislation does that. I was particularly encouraged by the President's remarks last week on prescription drugs because I think, through the conciliatory approach that he took, making it clear that he wants to work with all parties to get this addressed, we now have a window to climb through to get the job done and provide a real lifeline to millions of older people. That is some good news for our country.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. BURNS). The Senator from Michigan.

Mr. LEVIN. First, I congratulate, again, the good Senator from Oregon for his leadership in the area of prescription drugs. His effort to achieve a bipartisan move in this direction is very critical to the Nation. I commend him for it.

I thank him for truncating his remarks a few minutes so I might have a few minutes. I hope I can complete this in 2 or 3 minutes. But if I do not, perhaps I could ask my good friend on the other side of the aisle to be able to extend it a minute or two beyond the appointed hour of 1 o'clock.

SECRET EVIDENCE SUSPENSION

Mr. LEVIN. Mr. President, our Nation's commitment to due process has been placed in doubt by the use of secret evidence in immigration proceedings.

Until recently, the Department of Justice's use of secret evidence was not well known to the general public. Secret evidence was known only to some immigrants who have been held for months, sometimes years, without any opportunity to confront their accusers or examine the evidence against them.

As the Washington Post of October 19, 1997, put it, the process is authorized by:

> [A] little-known provision of immigration law in effect since the 1950s allows secret evidence to be introduced in certain immigration proceedings. The classified information, usually from the FBI, is shared with judges, but withheld from the accused and their lawyers.

The use of secret evidence in immigration proceedings threatens to violate basic principles of fundamental fairness. The only three Federal courts to review its use in the last decade have all found it unconstitutional. Yet the Immigration and Naturalization Service, the INS, continues to use it and to do so virtually without any limiting regulations. Under current law, the INS takes the position that it can present evidence in camera and ex parte whenever it is classified evidence relevant to an immigrant's application for admission, an application for an immigration benefit, a custody determination, or a removal proceeding.

The Attorney General herself has expressed concern over the use of secret evidence—and for good reason.

In October 1999, a district court declared the INS' use of secret evidence to detain aliens unconstitutional. Five days later, the INS dropped its efforts to deport a man it had held for over a year and a half on the basis of secret evidence.

In November 1999, the Board of Immigration Appeals ruled that an Egyptian man detained on secret evidence for 3 and-a-half years should be released, and the Attorney General declined to intervene to continue his detention.

Earlier in 1999, the Board of Immigration Appeals, the BIA, granted permanent resident status to a Palestinian against whom the INS had used secret evidence and alleged national security concerns. In all of these cases the government claimed that national security was at risk, yet in none of them were the individuals even charged with committing any criminal acts.

The Attorney General has promised to promulgate regulations to govern the INS's use of secret evidence, but has not yet done so. In May of 1999, the Attorney General came to my state of Michigan to meet with Arab-American leaders and members of the Michigan Congressional delegation to discuss concerns about the use of secret evidence. At that meeting, she said she would implement a new policy, one in which the Department would implement a higher level of review, and take extra precautions before using secret evidence. She said she would have those regulations relative to the use of secret evidence within a reasonable time.

In December, the Attorney General visited Michigan again. She had still not promulgated the promised regulations. She told us that she was dedicated to resolving this issue, and she was actively reviewing draft regulations, but that she was uncomfortable issuing those regulations in the form they had been presented to her by her staff.

Mr. President, the Attorney General may eventually offer the promised regulations. But at the current time, she is not capable of putting a process in writing that is satisfactory even to her. It has been almost nine months now since the Attorney General agreed to look in to this matter, and promulgate regulations that will govern the use of this process. Under these circumstances, when the Attorney General cannot even satisfy herself that a fair process is in place, the use of this secret process should be suspended until she can, and I urge the Attorney General to do exactly that: suspend the use of secret evidence in immigration proceedings immediately until she can promulgate regulations relative to its use.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. What section are we in now, Mr. President?

The PRESIDING OFFICER. The Chair advises the Senate is in morning business until 2 p.m.

THE LEGISLATIVE AGENDA

Mr. THOMAS. Mr. President, I will take a little time to talk a bit about our agenda and the things I think most of us hope we will accomplish during this coming legislature.

There are some who believe we won't accomplish much. It seems to me that is not a good prognosis. The fact is, we should put some priorities on the many issues that are there and, indeed, make a special effort to accomplish a good deal. I think we can. Many of the issues have been talked about a great deal already. We know what the backgrounds are.

I think now our commitment is to decide what the priorities are for this country, what the priorities are for this Congress, and to set out to accomplish them.

We heard the President last Thursday make a very long speech, including a very long list of ideas and things he is suggesting we consider. I don't believe he is suggesting certainly that they all be done. He knows very well that will not be the case. I think it is up to us, particularly the majority party, to establish an agenda of those things we believe are most important.

I read in the paper that some Democrats in the House are saying we aren't going to accomplish anything unless we set the agenda, and we will talk our way through that. I am very disappointed in that kind of an idea. Of course, it is possible to continue to raise all these issues that one knows are not going anywhere. I suspect that is not a new idea even in this body. But we need to have a set of priorities.

The President had 100-plus ideas that, I suppose, were set forth to lay out a political agenda, maybe largely for this election. That is fine. It is not a brand new idea. I am surprised the agenda pointed in a different direction than that with which the President has sought to characterize himself over the last several years. He talked about the leadership council and starting towards the center, saying, I think some time ago, that the era of big government is over. One would not have suspected that, as they listened last Thursday night to his view, that the era of big government is over.

It was a very liberal agenda laid out, I am sure, for conduct of this session of Congress. I suggest that is not the direction we ought to take. Expenditures of some $400 billion in additional programs, $400 billion in spending, some $4 billion a minute during that process, with very little detail, of course, as to how it is done but, rather, here are the things we ought to do, sort of in a broad sense.

We need to ensure that the description of what we are going to do does not interfere with us doing something. We have an agenda. Much of it I am

hopeful the President will agree with and the Members on the other side of the aisle will agree with. Certainly I am not excited about the idea the minority party will set the agenda, just simply by the discussions that go on endlessly. When it comes to spending, of course, there are many of us in this body who were sent here by our constituents to see if we can't limit the growth of Government, and we have succeeded some in the last couple years. Even though it was a large one, the growth in last year's budget was something around 3 percent, which was about the inflation rate, which is considerably less than it has been over the last 10 years, where the rate has gone up much higher than that.

Did we hold down spending enough? No, I don't believe so. To do that, we have to have a little different system this year. Hopefully, we will do that. I think we are already beginning to deal with the budget, with the appropriations, so that we don't end up at the end of the session with a huge bill that many people are not even familiar with all the content. So we need to do that.

I am one who believes we ought to be setting about to hold down the size of the Federal Government rather than to expand it. I am one who believes there is a limit to the kinds of things the Federal Government is designed to do. I think that is very clear in the Constitution. We have exceeded that in many ways, but it is not too late to take a look at what we are doing and say, is that the appropriate thing for the Federal Government to do? Are these the things the Federal Government can do better than any other government? I don't think so. When we talk about States and the differences we have among States, certainly, I come from a State that is the eighth largest State in the Union, one of the smallest in population. Our needs and methods of delivery of health care, the management of public lands, all those things are quite different in Wyoming than they are in Rhode Island or Pennsylvania, and properly so, which seems to me to be a good indication that we should not be continuing to have the one-size-fits-all kind of Federal pronouncements from the Congress and from the bureaucracy in Washington.

One of the things I hope we do over time is change our system to biennial budgeting, where we have a budget that lasts for 2 years. It seems to me it is very appropriate to do that. Most States do it that way. For one thing, the agencies then have a longer time to know what their spending restrictions are for a period of 2 years. Maybe more importantly, however, we have an opportunity to exercise the oversight which is the responsibility of Congress, which we don't do very well. Unfortunately, we spend so much of our time on appropriations and other things that the idea of ensuring that the laws which are passed are carried out consistent with the intent of the law is something we don't spend enough time doing.

I want to come back to the floor next week and talk a little bit about that provision in, I think, a 1996 law which provides that regulations that are put together by the bureaucracies must come to the House and the Senate to be reviewed. Seldom does that ever happen. I think only one or two times has there been some kind of a motion to change those, and none have succeeded because the system is not workable. A great idea, and we have that in most legislatures where there is oversight of the legislature by the regulations that come out to augment the laws that have been passed. We don't do that here. So we ought to hold down spending. We ought to have smaller Government. We ought to seek to review the kinds of things the Federal Government has involved itself in and ensure that there are reasonable things that are best done here. That doesn't mean there isn't a role for government. Of course there is. But often that role can be best implemented at the State and local level.

We need to talk about reducing the Federal debt in a real way. We have been doing some work on that for the first time in 40 years, I think. We have not spent Social Security. We balanced the budget for the first time in 25 years. We are using Social Security money to pay down the publicly held debt, which is a good idea. It reduces the cost of that debt. It takes the Social Security money out of the opportunity to be spent. That is good. Nevertheless, the key there is that it is reducing publicly held debt. We are replacing one debt with another kind of debt. When these young people are eligible for benefits from Social Security, those dollars that have been put into a trust fund to replace debt will have to be recovered from the taxpayers at that time. So we need to do something more than that.

In my opinion, we ought to set about to figure out some kind of a process over a period of time that we commit ourselves to a payment each year to pay off the debt out of operating funds, that we do it much like a mortgage on your home. We can decide that we will pay off $15 billion, or whatever it is, each year, and do that over a period of time. That would be real debt reduction. That would be reduction that would help to keep the so-called surplus from being spent to increase the size of Government. So we can do that and reduce our debt in a real way.

We also, hopefully, will pursue—when we have a surplus—what are considered to be the real needs of the Federal Government, and after we secure Social Security and pay down some of the debt, that money will then be returned to the taxpayers so it can be used to buoy the economy. Otherwise, frankly, the money left floating around is going to be spent. If you don't like the concept of increasingly large Government, when there is money beyond what there is a target for, then it ought to be sent back to the people who paid it in in the beginning.

What are the priorities? They are pretty clear. They have been the same for several years and will continue to be. I think that is where we ought to focus. Certainly, most people would consider education to be the issue we are most concerned with—having an opportunity for all young people to have an education. Obviously, money is not the total answer. There has to be accountability, training, and there have to be things that happen within the school system in addition to money. You can't do it without money, however; it is essential.

Health care is one issue, obviously, about which everybody is concerned. We are trying to do some things about that. We need to continue to do that. I am proud of the health care system we have in this country, certainly in terms of quality. On the other hand, we have to start to be a little careful about what that quality costs—affordability. But we can do some things about the health care.

Social Security. There is no question but that we have to change Social Security if we are to have it for these young people who start to pay in the very moment they get a job, and most of whom now don't expect to have benefits in 30, 40, 50 years. We need to change it so that the benefits will be there. There are several alternatives that can be used to change that. Certainly there needs to be a continued reduction in taxes.

In education, I am proud of what we have done so far. This GOP Congress provided more funding in the last year than the President requested. We did get into a hassle, of course, about how the money is spent. You may recall the President insisted it be spent on 100,000 teachers. I can tell you, there are schools where I live where additional teachers are not the issue; there are other things that need to be done. So we need to give the flexibility to the State and local school boards as to how they spend the money to strengthen education. We will insist on that being part of the system we produce this year. The elementary and secondary education bill this year, I hope, will be passed for safe schools and keeping the parents involved, and particularly making sure that all children have a chance for quality education.

I am interested, of course, in access to education in rural communities. I am also particularly, for a number of reasons, and personally interested in special education for special kids. My wife has been a special education teacher for 25 years, and I am very proud of that. Education will be one issue we will continue to press on.

Health care, of course, we will continue to have on our agenda, and it will be one of the most important things we pass. We passed a number of things last year. In my State, for example, in small towns, we have hospitals that won't be able to have a full series of services and up until now could not be certified and did not receive dollars

from HCFA. We changed that so they can be something much like a clinic and have emergency care, so patients can be transferred on—sort of a wheel-and-hub concept. We did that last year.

Certainly, we need to increase the funding for Medicare and hospitals and all kinds of service providers.

A Patients' Bill of Rights, we will be working to try to do something on that. The controversy basically is how you have appeals. There have been changes, apparently, on the part of the health care providers, managed care providers, to provide more medical decisionmaking in the process, which is exactly what we need, rather than legal or nonmedical accounting kinds of decisions. So we need to pass that this year. I feel confident we will. It will be a priority.

I also believe we will make some real progress—and it is time to make progress—with regard to pharmaceuticals. We can do that. Actually, health care is something of which we should be quite proud. We have the greatest health care in the world. We also have great problems with the rising costs of health care. There are problems with HMOs and access to some breakthrough drugs. We have too many uninsured. Despite that, we have great health care, and I think it is largely because we continue to keep it in the private sector.

We need to ensure that our seniors can continue to have Medicare and that it covers their needs. We probably need to look at another change, some structural changes, so that there are choices there, where a Medicare recipient can stay where they are if they like or, indeed, set up a little like the Federal health program, where you have some choices. If you would like to add dollars to it, you can go to a different coverage than the basic one you had. I think we can do that.

I mentioned the bill of rights. It looks as if we will be able to resolve that this time, the emphasis being on decisions being made by medical providers as opposed to the economic people in the managed care system. We will be doing more research, of course, on insured, which continues to be a problem we will be able to persist with, I believe; and I don't think we will solve that by just putting a ton of money out there without making some changes.

I mentioned education, of course, and we will continue to work at that. I think our focus will continue to be funding with local decisions being made.

Social Security. I think there are resolutions on Social Security. Whether we will get to it this year, I don't know. I hope so. I think we should. Almost everyone agrees that if we continue to do what we have been doing, we won't be able to pay the benefits at the end of this period. Much of it is simply the change in the structure of our society. I think when we started Social Security back in the thirties, there were 25 or 30 people working for every beneficiary. Now there are three. We are readily on the way to having two.

So a change would be substantially in the nature of how we pay for Social Security.

One of the opportunities of change, of course, would be to decrease benefits. Not many people are for that. Some would say we could increase taxes. The Social Security tax is the largest tax that most people pay these days.

The third one is to increase the return we have on the money in the trust fund. It seems to me to be a very logical opportunity for us to take a portion of the money people pay in—I think the caveat is that probably for most people over 50 or 55 it would not change; they would continue to go on as they are, but for younger people who are starting to pay in, part of their Social Security payment would be put into an individual account that is owned by that person. It would be invested in their behalf by contractors and it would be invested in equities. It could be in equities. It could be in bonds. It could be a combination of that, such as the plan for Federal employees. You could raise substantially the return on that money. Over a period of a person's lifetime of paying in, it would make a great deal of difference and probably ensure that those benefits would be there at the end of a period of time.

Significant change? Sure. Difficult to make? Of course. But it can be made. When you get to the options, then at least in my judgment that could become the option.

Those are some of the things I think are most important to us. We find ourselves now faced with a great opportunity to put together a priority agenda for this year. The majority party will be doing that and has done that. It will include education. It will include health care. It will include Social Security. It will include paying down the debt. It will include some kind of tax relief on an equitable basis.

It seems to me that those are the things we ought to put in as priorities. It is great to list the whole thing. It is great to go into great debates and filibusters almost by offering everything on the floor that you know is not going to happen, but I am hopeful we do not find ourselves in the position of raising issues more for the political benefit they might have in the election year as opposed to finding resolutions to those issues. It seems to me that is the challenge that lies before us.

I am very pleased to be joined during this hour by one of the leaders of our party, the chairman of our Policy Committee, the Senator from Idaho.

I yield to the Senator from Idaho.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, let me thank the Senator from Wyoming for yielding.

Let me also join him in his analysis, and certainly the hope that he speaks to as it relates to an agenda that the Congress might direct itself toward this year, away from, of course, the pitfalls of the kind of political rhetoric that I think we oftentimes find ourselves in especially in Presidential election years. We are now well into this Presidential year.

THE STATE OF THE UNION ADDRESS

Mr. CRAIG. Mr. President, I come to the floor as one who spent over 90 minutes on the floor of the House last week listening to the President's State of the Union Message.

For a few moments, I would like to kind of analyze that State of the Union Address as seen through the eyes of this Senator reflective of what I believe to be, shall I say, self-evident truth.

There is no question that our President is a gifted speaker. He waxed eloquently while spending our children's heritage and vastly increasing the size and the parental meddling of our Government by all of the new programs that he has proposed to create while claiming credit for virtually every good thing that has happened in the last century, including those things which were accomplished despite his opposition and his veto.

I say: Lyndon Johnson, move over; you heard a speech the other night that would cause your ghost to shudder. You had the record as being the biggest spending Government creator since FDR. Let me propose that this President is now vying for first place.

Let me start by analyzing his spending spree.

In his speech, President Clinton called for continued fiscal discipline while at the same time suggesting that we do a lot of other things and buying down the Federal debt.

I say, Mr. President, what hypocrisy. Until the Republican Congress imposed fiscal discipline, until the American people demanded fiscal discipline, the President consistently proposed budgets with spending and debt and deficits as far as the average person's eye could see and the greatest prognosticator of the Office of Management and Budget could look in his crystal ball and predict. He didn't refuse to stray from the path of fiscal discipline. He simply did it. We forced him to get to that path. That election occurred in 1994. We know the rest of that story. Yet what has he proposed in his last State of the Union Message?

The Senate Budget Committee made a preliminary estimate of the new spending proposed by the President at about $343 billion. That is about $3.8 billion a minute for his 89-minute speech. Not bad spending, Mr. President—the most expensive speech given in the history of this country, I suggest. If the Treasury can only print about $262 billion a year with the presses running nearly 24 hours a day, you even outspent, Mr. President, the ability of the U.S. Treasury to print it.

What about the taxpayers whose earnings the President would spend so freely?

Last week, the Congressional Budget Office, using its most pessimistic estimate, announced that there would be an $838 billion non-Social Security surplus over the next 10 years. That is phenomenal. That is wonderful for this country. Yet the Clinton speech mentioned he would give back only about $250 billion of it. That is less than 30 percent of the excessive income tax paid by the American people who that $838 billion represents. However, even this paltry $250 billion tax cut wasn't real. Much of it is disguised in new spending. Even the Washington Post, sometimes as difficult as it finds criticizing the President, said that he has artfully couched many of these new tax cuts in new spending programs. Thank you, Washington Post, for pointing that out.

What is worse? This $343 billion in spending is just the tip of the iceberg, and the American taxpayers are riding on a potential *Titanic.*

The Clinton version of government is not the end of big government as we know it. That is what he said a few years ago. But then again let's remember the source. It is Bill Clinton.

More intrusive government? How about that.

Less personal responsibility? I think that was the message our President spoke to so clearly last week.

So let's talk about where he is, where I believe a Republican Congress is, and what I hope in the end we are able to do about it.

The President says he wants to make schools accountable—but to the Federal Government. The Republicans want to make schools accountable—but to the parents and to the young people who will be educated there. It takes Washington too long to realize the problems. Parents who deal with their children on a day-to-day basis know what the problem is very quickly.

According to the Heritage Foundation, one-third of college freshmen take remedial classes because our elementary and secondary schools are failing to teach them some of the basics. Those are the students lucky enough to go on to college. These kids don't need the Princeton Review, as the President suggests. They need quality teachers who are accountable to parents and the local school board.

What about health care?

In 1994, President Clinton tried to remake a national health care system in this country in the image of the U.S. Post Office. Thanks to bipartisan opposition he failed. The world recognized it, and our public cheered.

In 1996, he vowed to push for Government-run health care ''a step at a time until eventually we finish this.'' Those are his words. He would go after health care ''a step at a time''—that is Government-run health care—until ''eventually we finish this.'' ''This'' meaning, of course, his U.S. Post Office-style health care system. Now the President has renewed his commitment to Government-run health care with legislation that would cancel the private coverage of over 2 million Americans so he can push them a step at a time into an expensive Government-run program.

Then there was that great but very soft and smooth Federal land grab statement he made the other evening. The President said:

> Tonight I propose creating a permanent conservation fund, to restore wildlife, protect our coastlines, save our national treasures. . . .

What he wants to do is annually take several billion dollars of oil and gas royalties paid to the Federal Government and buy more land and make it Federal Government land. If he is successful, it means Congress will have to find $2 billion elsewhere to fund programs. But more importantly, the ratios of private versus public ownership would change. The Government already owns 1 out of every 4 acres of the landmass of this country, primarily in Western States; 63 percent of my State is owned by the Federal Government. Idahoans do not want Bill Clinton buying one more acre of Idaho. Why? That is the tax base that funds our local governments and funds our schools. So, Mr. President, we won't give you that money. We should not give you that money. If the environment needs protection, we can find the necessary resources without giving you a blank check to buy more Federal land.

Mr. President, the very infrastructure of our National Park System is falling apart. How about putting some money there? That is where the American public wants to go recreate. Give our parks a chance to catch up with the traffic instead of shutting them down or closing people out of them. Let's let people into our parks. Let's invest in them. We don't need to buy more property; we need to take care of that which we have.

The President said:

> The major security threat this country will face will come from enemies of the nation state: the narcotraffickers and the terrorists and the organized criminals.

He boasts about ''agreements to restrain nuclear programs in North Korea''—a program for direct U.S. subsidies for one of the most vicious, anti-American, terrorist-supporting, drug-trafficking regimes in the world, responsible for deaths of millions of its own people? Mr. President, I don't quite understand your priorities.

He is patting himself on the back for victory in Kosovo, a victory that means planting American troops in an alliance with what is known to be an organization of narcotrafficking terrorists and organized criminal cartels.

Mr. President, I am not quite sure you have made yourself quite clear to the American people. I think you are saying one thing when your actions clearly demonstrate you are doing something else.

The President highlights the needs for ''curbing the flow of lethal technology to Iran.'' The Republican Congress passed a bill that would have done just that, the Iran Missile Proliferation Sanctions Act of 1997, that is H.R. 2709. And what happened on June 23 of 1998? The President vetoed it. Remarkably, President Clinton continues to support paper agreements rather than U.S. actions to keep Americans secure. Although he outlined real threats from ballistic missile proliferation in his speech, President Clinton refuses to deploy a national ballistic missile defense system to protect Americans from ballistic missile attacks. He even signed legislation calling for the deployment of such a system, although, in typical Clinton fashion, he has found many excuses to reinterpret the straightforward language of that legislation. Instead of defending America against a clear and present danger, the President hides behind outdated, ineffective, and obsolete arms control treaties.

Because of President Clinton, Americans remain defenseless against ballistic missile attack. It is interesting; the President is now calling for ''constructive bipartisan dialog'' on a Comprehensive Test Ban Treaty when the administration turned a deaf ear to the critical national security concerns being voiced by Republicans for the last good many months.

Despite President Clinton's best efforts to underfund and overextend U.S. military forces, it has been a Republican Congress that has consistently sent the President bills to keep our forces well trained and well equipped and properly paid. It was a Republican Congress that initiated the bill to improve the quality of life of our soldiers, sailors, airmen, and Marines, and helped retain those who were leaving who had already gained the kind of special skills that are so necessary in our military.

Hyperbole? Hypocrisy? Exaggeration? Shame on me for even suggesting that.

The President claimed credit in his speech for most of the good news in America for the past several decades—the healthy economy, welfare reform, falling crime rates, balanced budgets, a cleaner environment, smaller Federal workforces, and social progress. Anybody who sits in the Presidency and possesses the bully pulpit when times are good can make claim and take credit, but just for a few moments let me talk about how it got done.

Mr. President, you are entitled to take credit but you can't steal Republican principles, Republican ideas, and the kind of work that went on in the Congress to make it happen. The President claimed that he ended welfare as we know it—after he vetoed it twice. Shame on you, Mr. President. It was a Republican Congress but, more importantly, it was Republican Governors out in the States who reformed welfare. We copied them. We didn't have the genius here. We were stuck in the old bureaucracy. We wanted to talk about reform but we took the ideas of

the States, implemented them into the Federal program, and it worked. So, yes, you can take credit for it but you didn't do it. You vetoed the bills, you kept vetoing the bills, and on the very day that you signed them, you said we will be back to change them because we don't like this.

But, of course, it was an election year. You knew you had to sign it, and you took credit for it while at the same time you were criticizing it. I am sorry, Mr. President; I happen to read history and I happen to remember what you said. Shame on me.

On the environment, the President said:

> . . . one of the things I am grateful for is the opportunity that the Vice President and I have had to finally put to rest the bogus idea that you cannot grow the economy and the environment at the same time.

He said:

> . . . we have rid more than 500 neighborhoods of toxic waste, ensured cleaner air and water for millions of people. In the past 3 months alone, we have preserved over 40 million roadless acres in the national forests. . . .''

Mr. President, here is the rest of the truth. Those 500 neighborhoods you claim are a product of the Superfund laws that were passed long before you got here. Also, you are taking credit for cleaner air and water. Congress passed the Clean Air Act and Congress passed the Clean Water Act under Republican direction, and subsequently amendments to change that in a way that would make it more operative—and it has worked. But you are the one who ruined regulation, through ozone and particulate matter rules, for example, that have tried to pull it down and make it less operative.

Mr. President, why don't we both take credit for the environment: past Congresses, current Congress, past administrations, current administration. We have worked together and our environment is cleaner, and we are proud of that.

In 1995, President Clinton said balancing the budget was a bad idea. Let me repeat that. In 1995, Mr. President, you said balancing the budget was a bad idea, it was bad for the economy.

Going into 1996 and faced with poll data that indicated the American people were demanding a balanced budget, you decided to surrender on principle and argue about the details later. The size of our economic boom today is because Bill Clinton reluctantly went along with the core principles that swept Republicans into control of the Congress in 1994. That balanced budget did not happen until there was a Republican Congress shaping it and, Mr. President, you know it. Social Security taxes today are being locked up and protected to secure Social Security and, Mr. President, that was not your idea. In fact, you wanted to spend a big chunk of that money last year, and we simply would not let you do it.

President Clinton's greatest success story—the continued economic boom—is a direct result of the Republican fiscal policies enacted over the consistent objections of the President and his Democratic colleagues in the Congress. No, we will stand toe to toe on that debate. You cannot hide from your rhetoric and your actions of the past. Those were your policies before the American people said: We have gone too far; let's bring our Government under control.

President Clinton is a President who claims he wants to protect Social Security, but in 8 years, he has failed to submit a serious Social Security protection plan. And President Clinton is a President who claims he wants to protect Medicare, and yet, last year—we all know it—he whispered in the ears of those he put on that conference and said: Don't vote for it. That was a bipartisan proposal, and that is the way reform of Medicare must come.

Why didn't he want them to support it and to get it all wrapped up and finished in an election year? Because one could go out and point fingers and politicize Medicare and prescription drugs. Shame on you, Mr. President. Come back and work with us on that. Let's reinstitute the bipartisan agreement on which Democrats and Republicans stood. We will vote for it and you ought to sign it, Mr. President. And if you do, that could be your legacy. On that I would give you some credit.

> We have reinvented Government, transforming it into a catalyst for new ideas. . . . With the smallest Federal workforce in 40 years, we turned record deficits into record surpluses. . . .

I was quoting the President. Our record surpluses have little to do with the size of the Federal workforce. Record surpluses were created by hard-working Americans earning money and paying taxes and a highly productive economy. That is what has produced the surpluses, Mr. President, and it also produced record high taxes.

Another area on which I want to comment is foster care. It was fascinating to me and frustrating when the President talked about foster care. I know how that happened. I know Republicans and Democrats have their differences. We came together and we worked on it in Congress. It was not in the White House nor was it the President's idea. But because it was a strong bipartisan effort here, we happened to pass it. Democrats and Republicans at the congressional level did that, and the President has ridden on it ever since. Why? Because it worked, because children are less in foster care today, and we are finding them permanent, loving homes. No longer is the bureaucracy harboring them. Foster care is a good institution, but it is an institution that was reshaped.

Mr. President, because you signed the bill, I am willing to give you some credit for it, but that is all you did and that is all you deserve.

Then, of course, there is that issue of guns. Last June, the President said: I will not send up a licensure bill on guns because the Congress won't pass it.

Even on less controlling issues, a Democratic vote in the House killed gun control ideas of this administration. So why did the President do it this time? For Bill and AL; that is Bill Bradley, of course, and AL GORE. They are out on the stump talking about it. His party failed to make guns a national issue, and the reason they failed is because the American people know there are over 40,000 gun control laws on the books today, and the American people have grown wise. If you do not enforce the laws, the criminal element still runs rampant and commits crimes with guns.

The American people are not asking for more gun control laws. They are asking for a Justice Department that will prosecute those who violate the law. Mr. President, that is the message and, of course, that is what we will do as a Congress. We are not going to stack up more gun laws; we are going to cause the Justice Department to enforce them.

There are myriad other points of discussion, but I wanted the public and the record to show there is a very real difference between what this President said in his State of the Union Address and what actually happened and what is happening because we do not stand with this President on a variety of his ideas, and Congress and the public have largely rejected them.

Republicans will not stand for a Government-run health care system. We will pass a Patients' Bill of Rights this year. We will allow citizens to be in control of their health care and their health care delivery, and we will enhance education this year. We will send it back to the States and local communities to control. We will save Social Security, as the Senator from Wyoming said, and I hope we can deal with Medicare.

Mr. President, what is important is that if you want to work with us to resolve these problems in the final hours of your administration, then let us sit down and begin to talk because the hour is late, and I believe you have already written your legacy. I do not think there are enough Federal dollars for you to buy a new one. The American people are going to remember Bill Clinton not for his big government ideas and his big spending but for something entirely different.

Let us begin our work in this Congress in the last session of the 106th Congress to balance the budget and to secure Social Security. I hope we can deal with a Patients' Bill of Rights. I would like to see us deal with pharmaceutical drugs for our elderly. I hope we can also deal with our farm crisis and assure a strong military.

I am not going to promise we can do all that Bill wants done and give tax cuts and buy down the debt because we cannot do all those things. Most important, we should not. I hope we can give

a tax cut. We are buying down the debt. Most importantly, I say to the American people: We are not going to allow Government to grow in the image of Bill Clinton just for a legacy he would like to establish.

I thank my colleague from Wyoming for the liberty he has allowed me in the use of time, and I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. Mr. President, I thank my friend from Idaho. Certainly, we share all those thoughts and ideas. I want to expand in the few minutes we have remaining in our allotment of time the public land issue the Senator mentioned.

Public lands, of course, are very important to those of us in the West. As was pointed out, 1 out of every 4 acres in this country is owned by the public. My State of Wyoming is 50-percent owned by the Federal Government. Idaho is some 63-percent owned by the Federal Government. Nevada is 83-percent owned by the Federal Government. The management of these lands then, rightfully, is a public issue and one with which all of us need to be concerned.

It would not be a surprise to know that some of the issues with regard to the management of those lands are seen differently by the people who live there and who have access to the lands as opposed to those who equally own them and live many miles away. The fact is it is a public issue and it deserves public input.

There is a system that has been set up by the Congress and happens to be followed by everyone, except the administration, which allows for public input. It requires that all ideas be set forth so that they can be considered and there can be statements made on all these issues. Sometimes it takes an excruciatingly long time to do it, but nevertheless it is a vital concept.

Now, of course, we have a different thing going on in the administration. They call it a land legacy, an effort by the President in these remaining months to leave a Teddy Roosevelt land legacy for himself and his administration. In so doing, he has done a number of things quite different from what we have seen done before and, quite frankly, has created a good deal of controversy, particularly in the West.

There are different kinds of lands, of course, set out for different purposes. I happen to be chairman of the Parks Subcommittee, so I am very interested in that. I grew up right outside of Yellowstone National Park. As you know, Wyoming has several famous national parks. We are very proud of them. Those lands were set aside for a particular purpose. They were set aside because they were unique and they were different. They are used for a limited number of purposes.

We have the forest reserve which, by its nature, was set aside, was reserved for special uses. Although there are many, part of them are wilderness areas set aside by the Congress in specific acts that limit the use, and properly so, in my view.

Then there is the Bureau of Land Management, which has a very large section of lands. Those lands, rather than having been set aside for some particular purpose, were generally what was left after the Homestead Act was completed. They were sort of residual lands that were managed, first of all, by a different agency but now by the Bureau of Land Management—clearly multiple use lands. They are used for many things.

These are the kinds of things we have. We have seen suddenly a rush for doing something in public lands. The system being used now by the administration completely ignores the Congress, which should have a say in these kinds of things, and as a matter of fact generally ignores people. One of them is the 40 million acres of roadless areas nationwide that were declared by the Forest Service.

Frankly, I have no particular quarrel with the idea of taking a look at roadless areas in the forests, but each forest has a very extensive, very expensive, very important forest plan, a process that has been gone through that requires studies, that requires proposed regulation, that requires statements, that requires hearings. That is where those things ought to be done rather than having one EIS over the whole Nation, not for the Secretary of Agriculture to just come out and declare that there are going to be 40 million acres, and not even knowing exactly where they are.

As a matter of fact, we had a hearing with the Secretary and with the Chief of the Forest Service in which they could tell us very little about it.

Another is the $1 billion from offshore oil royalties that the administration has asked to be given to it to spend, without the approval of Congress, to acquire additional lands.

As the Senator from Idaho said, in the Western States the acquisition of new lands is not the issue. The care of those lands, the investment in parks, the investment in forests is where we ought to be, in my view.

The Antiquities Act, which is a legitimate act, has been on the books since 1905. Teddy Roosevelt put it there. As a matter of fact, Devils Tower, in my State, was put in by the Antiquities Act and was part of Teton National Park. But times have changed, and we understand now the President is going to have 18 different land areas changed in their designation without, really, any hearings—we had one last year in Utah that the Governor and the congressional delegation did not even know about until it was done. That is not the way to do these kinds of things.

They have a proposal to change the way the Land and Water Conservation Fund is allocated. It was set up by Congress to go half and half—State and national. Now the administration wants to spend all that money for land acquisition.

BLM now has a nationwide roadless plan in which there is very little, if any, input. They have the Clean Water Action Plan, which is something done by EPA, which has to do with the control of water, which is really a way of controlling land.

Each of these things probably has some merit, but they ought to be examined. They ought to go through the system. They ought to be talked about. They ought to be agreed to, rather than imposed unilaterally by an administration.

We can preserve public lands, and, indeed, we should: they are a legacy for us. We can have multiple use on those lands. We need them for the communities. We can have public involvement. That is the way it ought to be. We can have cooperating agency agreements in which the State and the local communities ought to have a real voice in doing this.

I hope we do not politicize public lands simply because it is an election year, to the distraction of public use, to the distraction of the economies that surround them. The purpose of public lands is to preserve the resources and give a chance for the owners to enjoy it. The owners, of course, are the taxpayers.

It is an issue on which I think we will have more and more input throughout the year. I hope we do.

Mr. President, our time is nearly expired. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. THOMAS). Without objection, it is so ordered.

Mr. GRASSLEY. I think we are in morning business, right?

The PRESIDING OFFICER. That is correct.

THE PENTAGON'S ACTING INSPECTOR GENERAL

Mr. GRASSLEY. Mr. President, I would like to take a moment with my colleagues to discuss a recent article that was in the National Journal. It was about the Pentagon's Acting Inspector General, Mr. Donald Mancuso. The article was written by Mr. George Wilson. Mr. Wilson was a senior defense reporter at the Washington Post for many years. He left the Washington Post in 1991 to write books. He is now a columnist with the National Journal.

Mr. Wilson is a top-notch reporter. He is respected for being very thorough and very fair. But, above all, he is respected for an uncanny ability to find the nub of a complex issue and expose it to public scrutiny in an interesting

and also informative way. He had a recent article in the National Journal that is no exception. It has exposed a very raw nerve. The article is entitled: ''Tailhook May Soil Choice for Pentagon's Mr. Clean.'' It appeared in the January 22, 2000, issue of the National Journal on pages 260 and 261.

Mr. President, I ask unanimous consent to have that article printed in the RECORD at the end of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. GRASSLEY. The article I refer to raises important questions, even new questions, about Mr. Mancuso's integrity and judgment. At some point down the road, this body may be called upon to confirm or not confirm Mr. Mancuso's nomination because it has been suggested that President Clinton is expected to nominate him to be the next Department of Defense Inspector General.

If that happens, then each Member of this body would need to weigh all the facts bearing on Mr. Mancuso's fitness to serve as the Pentagon's watchdog, which is also the Pentagon's top cop.

In October, my staff on the Judiciary Subcommittee on Administrative Oversight and the Courts issued, for me, a report on the Defense Criminal Investigative Service. I am going to refer to that, as it is always referred to, as the DCIS—Defense Criminal Investigative Service.

I strongly urge my colleagues to read this report. It substantiated allegations of misconduct on the part of senior DCIS management, including Mr. Mancuso, and at least one of his investigators, Mr. Mathew Walinsky. Mr. Mancuso at that time was Director of DCIS, and he was so from 1988 until 1997.

Since that report was issued in October, my staff has been inundated with new complaints about alleged misconduct by Mr. Mancuso and mismanagement at DCIS while Mr. Mancuso was the Director of DCIS. My staff is now in the process of evaluating these allegations to determine if they have merit. Once that review has been conducted, I may issue a second report.

Getting back to Mr. Wilson's article in the National Journal, by comparison, instead of my report opening up a new can of worms, Mr. Wilson's article has opened an old can of worms—in this case, Navy worms. It explores Mr. Mancuso's role in the investigation of misconduct at the infamous Tailhook convention in September 1991. By reopening this very unfortunate episode in naval history, Mr. Wilson has shed new light on Mr. Mancuso's fitness to move into the inspector general's slot.

Mr. Wilson reports that the U.S. Court of Military Appeals condemned Mr. Mancuso and the DCIS for, in their words, ''heavy-handed investigative tactics that trampled constitutional rights.'' According to Mr. Wilson, Mr. Mancuso's tactics included ''threats, intimidation, falsification of interviews, and overreliance on lie detectors.''

In an opinion issued on January 11, 1994, on the Tailhook case, the U.S. Court of Military Appeals denounced Mr. Mancuso's tactics. The court compared the Tailhook case review process, which was set up by Mr. Mancuso, to sort of an assembly line justice, where investigative and judicial functions were merged and blurred. ''Merged'' and ''blurred'' are words the court used. ''Assembly line'' are words the court used. The court called Mr. Mancuso's assembly line justice ''troublesome.''

Going on to quote the court:

> At best, it reflects a most curiously careless and amateurish approach to a very high profile case by experienced military lawyers and investigators. At worst, it raises the possibility of a shadiness in respecting the rights of military members caught up in a criminal investigation that cannot be condoned.

That is what the U.S. Court of Military Appeals had to say. That is the highest military court in our land. It is often called the United States Court of Appeals of the Armed Forces. So this highest court has condemned Mr. Mancuso for ''shadiness.'' The court said his practices were ''careless and amateurish'' and even ''troublesome.'' The court said he and his investigators failed to respect the constitutional rights of members of the armed services.

I hope the Chair will agree that these are very serious charges about a person whom the President may nominate for our confirmation as inspector general of the Department of Defense. The court's criticism—again referring to the Court of Military Appeals—may help to explain why the Tailhook investigation was a total failure. The entire investigation probably cost the taxpayers close to $10 million and involved several thousand interviews. Unfortunately, not one single naval aviator who faced an assault charge was ever convicted by a court-martial.

As the Director of DCIS, Mr. Mancuso led the Tailhook investigation. He is accountable for failing to conduct it as a professional. A legitimate question for my colleagues and for the President: Should that same man, a man who used shady investigative tactics, a man who failed to respect naval judicial process in Tailhook, be confirmed as the Pentagon's watchdog? It is legitimate to ask if Mr. Mancuso is the best person to fill that position.

I leave those thoughts with my colleagues over the next several weeks as this nomination may come up for consideration.

I yield the floor.

EXHIBIT NO. 1

[From the National Journal, January 22, 2000]

TAILHOOK MAY SOIL CHOICE FOR PENTAGON'S MR. CLEAN

(By George C. Wilson)

The man President Clinton is expected to nominate as inspector general of the Defense Department—the Pentagon's top cop—is coming under increased scrutiny in the Senate for questionable official conduct. Questions surround his role in the Tailhook sexual assault investigation of the early 1990s and his handling of his own investigators, one of whom pleaded guilty to stealing a 13-year-old boy's identity to obtain a false passport.

Donald Mancuso, the Pentagon's acting inspector general and probable nominee for the permanent job, formerly led the Defense Criminal Investigative Service. DCIS, which conducts most of the fraud and misconduct investigations at the Defense Department, had taken over the Tailhook investigation in 1992 after the Navy was accused of botching it.

During the Tailhook investigation, naval aviators accused Mancuso's agents of heavy-handed tactics that trampled their constitutional rights. These tactics, they maintained, included threats, intimidation, falsification of interviews, and overreliance on lie detectors. In the end, no aviator was convicted at court-martial for misconduct at the Tailhook convention, which was held in September 1991 at the Las Vegas Hilton.

The U.S. Court of Military Appeals, in its review of the Tailhook cases, criticized military lawyers and the IG's investigators—who were supervised by Mancuso—for procedures that were ''troublesome.'' The court faulted investigators for an approach that was ''curiously careless and amateurish,'' and that didn't sufficiently respect the rights of suspects.

Several lawyers who defended Tailhook aviators told National Journal that they stand ready to cite examples of misconduct by DCIS agents if the Mancuso nomination moves forward. Their testimony could widen and escalate a battle over Mancuso that Sen. Charles Grassley, R-Iowa, began at the end of the past congressional session. White House attorneys had focused on Grassley's earlier objections, but they apparently had not looked into Mancuso's Tailhook role when they told National Journal recently that they saw no reason to recommend he not be nominated.

Grassley up to now had focused his objections on Mancuso's supposedly poor judgment while director of the Defense Criminal Investigative Service from 1988–97. Grassley accused Mancuso of coddling a deputy after the deputy confessed to stealing a dead boy's identity in an effort to get a false passport for still-mysterious reasons.

Defense Secretary William S. Cohen has mounted a stout defense of Mancuso and has told Grassley that none of the Senator's objections should bar him from advancement. However, the Tailhook connection, which Grassley's investigators have just begun to probe, may turn the Mancuso nomination into a ''bolter''—pilot talk for an airplane that misses the arresting wires stretched across an aircraft-carrier deck and so fails to land. Grassley will do his best to exploit the Tailhook connection in hearings and on the Senate floor. Former Navy Secretary John W. Warner, R-Va., chairman of the Senate Armed Services Committee, which would hold confirmation hearings on a Mancuso nomination, is likely to plead with the President not to nominate anybody who would pull Congress back into the Tailhook swamp.

The U.S. Court of Military Appeals denounced the tactics of Mancuso's agents in an opinion issued on Jan. 11, 1994, on a Tailhook case against Navy Lt. David Samples. The defendant had been charged with participating in the ''gantlet'' in which drunken pilots groped, and in some cases assaulted, dozens of women who ventured down the third-floor hallway at the Hilton. Samples charged that he endured his own intensive gantlet of interrogations as one naval

officer after another advised him to tell what he knew and, in his view, guaranteed him complete immunity if he did. After undergoing the Navy interviews, he was immediately interrogated by DCIS in assembly line fashion.

In court testimony, Special Agent Matthew A. Walinsky of DCIS attributed the assembly line idea to DCIS Director Mancuso: ''We felt that, or the director [of the] DCIS felt that, it was one of the ways that we could have a resolution in the case and be fair to everybody that was involved in [the] case, so that they would have a walk-away'' from any further entanglement in the Tailhook mess.

The U.S. Court of Military Appeals assailed the arrangement: ''The assembly line technique in this case that merged and blurred investigative and justice procedures is troublesome. At best, it reflects a most curiously careless and amateurish approach to a very high profile case by experienced military lawyers and investigators. At worst, it raises the possibility of a shadiness in respecting the rights of military members caught up in a criminal investigation that cannot be condoned.''

Mancuso, when asked by National Journal to respond to the court's denunciation, said: ''The quote [from the decision] was taken out of context and exhibits a lack of understanding of the technique being discussed. . . . DCIS played a minor role in the 'assembly line technique' as described in the opinion. The DCIS investigation of the Tailhook matter was handled thoroughly and professionally.''

But Charles W. Gittins of Middletown, Va., a defense attorney in the Tailhook case, charged in an interview with National Journal that Mancuso's DCIS agents ''routinely violated naval officers' rights with threats of retribution for failure to cooperate,'' Gittins said that Mancuso's supervision of his investigators ''left much to be desired. I would have concern if Mancuso became IG about his integrity and commitment to the rule of law.'' He added he would welcome the chance to give such testimony to Congress.

Robert B. Rae of Virginia Beach, Va., another Tailhook defense attorney and a former U.S. attorney, said that Mancuso ''abused his position [as DCIS director] and showed a general disregard for laws of military justice'' during the Tailhook investigation. ''He intentionally failed to comply with the judge's order to produce evidence and documents on several occasions. We need somebody [as inspector general] who makes the ethical decision, not the politically correct one. He [Mancuso] was politically motivated.''

Mancuso told National Journal that ''while I don't remember being directly involved with either of these defense counsels during the Tailhook investigation, it is not unusual for defense counsels to disagree with the government's investigation techniques. I categorically deny that I have ever intentionally failed to comply with any judge's order.'' He said that as DCIS director, he worked to ensure that both sides received all requested information promptly.

As Pentagon inspector general, Mancuso would be responsible for supervising 1,228 employees, including 323 criminal investigators, and for overseeing a budget of $136.8 million annually. He would be paid a salary of $118,400 a year.

Grassley is particularly vexed about what Mancuso did—and did not do—about Larry Joe Hollingsworth, a deputy at DCIS who was responsible for keeping agents in line, but who committed a felony that a hearing judge termed ''bizarre.'' In 1992, Hollingsworth found in the records of a Florida library the obituary of Charles W. Drew, who died at age 13. Hollingsworth decided to assume the boy's identity. And by posing as the deceased boy's half brother, Hollingsworth obtained the identification papers he needed to apply for a passport in Charles' name. He appended pictures of himself to the passport application and signed it in such a muddled way that the State Department investigated, leading to Hollingsworth's arrest, indictment, and confession to one count of fraud.

Why would a 46-year-old, $92,926-a-year Pentagon executive with more than 20 years' experience investigating other people's crimes commit one himself? ''In the last few years,'' Hollingsworth wrote right after his arrest, ''I have seen repeated news stories about how easy it would be'' to assume someone else's identity. ''I decided to see if it was true. This was a Walter Mitty fantasy, however, for excitement and not to hurt anyone.''

Special Agent Sean O'Brien of the State Department told investigators with Grassley's Senate Judiciary Administrative Oversight and the Courts Subcommittee that ''there were at least 12 overt acts of fraud perpetrated by Mr. Hollingsworth over the course of one year.'' O'Brien told the investigators that ''passport fraud is always committed in furtherance of a more serious crime . . .''

On April 29, 1996, Mancuso wrote, on assistant inspector general stationery, to federal Judge T.S. Ellis III of the U.S. District Court in Alexandria, VA., while the jurist was weighing what penalty to impose on Hollingsworth. ''To this day,'' he wrote, ''there is no evidence that Mr. Hollingsworth has ever done anything improper relating to his duties and responsibilities as a DCIS agent and manager. . . . It is our intention to consider removal action against him after the conclusion of the criminal charges. . . . I would ask that you also consider the severity of these administrative actions as you pronounce sentencing.''

Grassley accused Mancuso of showing poor judgment in writing what the Senator considered a plea for leniency. Grassley also criticized Mancuso for letting Hollingsworth retire at 50 in 1996 with full pay, 12 years ahead of schedule—a decision that cost the taxpayers an extra $750,000, Grassley said.

Mancuso denied asking for leniency. He told National Journal that that ''my intent in writing the letter was to advise the judge of SA [Special Agent] Hollingsworth's past job performance while assigned to DCIS, not to ask for leniency. In fact, nowhere in my letter is the term 'leniency' used.''

Hollingsworth, after pleading guilty, was sentenced in June 1996 to supervised probation for two years and was fined $5,000, plus $195.30 a month to pay for the cost of supervising him while on probation. He also had to serve 30 days of jail time on weekends, perform 200 hours of community service, and pay a $50 special assessment.

The majority staff of Grassley's subcommittee on Nov. 2 filed a 64-page report highly critical of Mancuso's conduct. Cohen responded to Grassley on Dec. 28 that his staff had found nothing in the subcommittee's report to shake his ''complete confidence in Mr. Mancuso's abilities and integrity. Nothing I have seen has caused me to doubt Mr. Mancuso's ability to ably, fairly, and honestly lead the Office of the Inspector General.''

''Bill,'' Grassley wrote back to Cohen on Jan. 7, ''you and I have known each other for many years, I know, if given an accurate report on the facts in the case, you would not defend the integrity of the acting IG.''

Since vote-counters have apparently concluded that Grassley does not have enough Senate allies to defeat the nomination, the White House intends to nominate Mancuso when Congress reconvenes. Will the stubborn Iowan resort to a filibuster, or will he place a simple hold on the nomination, in light of Tailhook and other charges? ''I don't know yet,'' Grassley replied.

Mr. GRASSLEY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I ask unanimous consent to be allowed to speak as if in morning business for 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

A PRESCRIPTION DRUG BENEFIT FOR MEDICARE

Mr. DORGAN. Mr. President, I would like to speak for a few moments today about the call in the State of the Union Address for a prescription drug benefit to be added to the Medicare program.

In all of the discussions about the State of the Union and what is happening to the health of the American people, one of the underlying issues is that people are living longer and better lives. When people live longer and better lives, it means we have more strain on Medicare and on Social Security. But, of course, all of that is born of good news: People are living longer. At the start of the last century, citizens of the United States were expected to live, on average, to about 48 years of age. One hundred years later, in the year 2000, you are expected to live to be about 78 years of age—a 30-year increase in life expectancy. That is really quite remarkable.

What are the reasons for that? There are a lot of reasons: Better nutrition, new medical technologies, and life-saving prescription medicines that have been developed to extend life. There are a lot of reasons for the increased longevity.

In 1965, we created a Medicare program that has contributed substantially to the increase in longevity in this country. Prior to that time, 50 percent of senior citizens had no health care coverage at all—none. Medicare provided health care coverage to all senior citizens, and now 99 percent of older Americans in this country have basic health care protection through Medicare. That clearly has extended life and has allowed people to live longer and better lives. But in 1965 when Medicare was created, many of the prescription drugs that now exist for extending life simply weren't available. There was not, therefore, a need for a prescription drug benefit in Medicare.

The call now by the President and by Members of Congress, myself included,

Democrats and Republicans alike, is for a prescription drug benefit for the Medicare program. Why? Because senior citizens in this country comprise 12 percent of our population and consume 33 percent of the prescription drugs in our country.

Let me repeat that because it is important.

Twelve percent of our population are senior citizens, but yet they consume one-third of the prescription drugs.

The cost of prescription drugs last year increased nearly 16 percent—last year alone. Part of the reason for that increase was price inflation, and part of it was a dramatic increase in utilization. But we should, it seems to me, be especially concerned about senior citizens having access to the prescription drugs they need to extend and improve their lives.

As chairman of the Democratic Policy Committee, I have been holding hearings in various parts of the country on this very subject. For instance, I held a hearing with Senator SCHUMER in Westchester, NY, and a hearing recently with Senator DURBIN in Chicago. I guess I have held perhaps six or eight hearings on this subject.

It is heartbreaking sometimes to hear the stories told at these hearings. An oncologist came to a hearing I held. He told of one of his patients who was a senior citizen, a woman who had breast cancer. And he said: There is a medicine she needs to take following her surgery, chemotherapy, and radiation that will reduce the chances that she will have a recurrence of breast cancer. When I described this medicine to her, she said: What does it cost? The doctor told her what it cost. And she said: There isn't any way I can afford that medicine. I will just have to take my chances. I will just have to take my chances of the breast cancer recurring because I can't afford the medicine.

It breaks your heart to hear that.

Or to hear a senior citizen who said: When I go into the grocery store where I purchase my medications, the first stop for me must be the pharmacy counter because I must get my prescriptions filled, so then I will know how much money I have left for food. Only then will I know how much food I can buy.

Senior citizens will find in some circumstances that they take 4, 6, or 8, and in some cases 10 and 12, different kinds of medicines at the same time. Some of them are horribly expensive. Yet most older Americans have very little prescription drug coverage.

I would like to show some charts that describe these circumstances graphically, especially for senior citizens.

This chart shows that nearly a third of senior citizens spend $1,500 a year on prescription drugs. These are people who are living on fixed incomes, and 70 percent of them have incomes of $15,000 or less.

This chart shows that nearly 75 percent of Medicare beneficiaries have inadequate prescription drug coverage. In fact, 34 percent have no drug coverage at all—none, zero. So they must go to the drugstore to buy their prescription drugs, living on a fixed income, trying to balance the need to pay heat and light and rent and food, and then try to figure out how to pay for increasingly expensive prescription drugs. Many of them find they can't do it.

They tell me at these hearings some of the measures they are forced to take: I have heart trouble, or I have diabetes, they tell me, and what I do is buy the prescription drugs that the doctor says I must have, and cut the pills in half and take half the dose so it lasts twice as long. And they hope somehow that they will avoid medical problems by doing it. It breaks your heart to hear someone 85 years of age who knows he has to take medicine to deal with his heart disease and diabetes, but who says: I can't afford it so I don't take the medicine.

As this chart shows, this is especially a problem for older women. As you can see, the majority of women have no prescription drug coverage at all. That is a very serious problem.

This chart illustrates that rural beneficiaries are less likely to have prescription drug coverage across all income groups. I represent a rural State and the many hearings I have held in North Dakota confirm this fact.

We are going to be confronted in this Congress with the question of whether we should add a prescription drug benefit to the Medicare program. When I was in New York with Senator SCHUMER, Connie Pennucci, 77 years old, said she has no prescription drug benefits and pays $200 a month out of pocket for the medications she needs to treat her arthritis and osteoporosis.

In Illinois about 2 weeks ago, a woman named Anita Milton told Senator DURBIN and I that she had a double lung transplant. Because of the way Medicaid works, she gets help to pay for her prescription drugs one month, but then the next month she has no drug benefits at all. I think she told us that her prescription drugs to prevent the rejection of her new lungs cost $2,500 a month. Think of that, $2,500 a month.

At that same hearing, this wonderful woman who had a double lung transplant was joined by two people who had heart transplants. They told us the cost of their prescription drugs that are necessary to prevent rejection of their transplanted hearts. Is all of this miracle medicine? Of course it is. But it is only miraculous if you can afford the prescription drugs that must be taken on a daily basis to ward off the rejection of the transplanted organ.

There is an urgent requirement, in my judgment, for all of us in Congress to join together to find a way to add a prescription drug benefit to Medicare. We should do it in a way that is voluntary for senior citizens. We should do it in a way that doesn't break the Treasury, and pharmaceutical prices should be affordable. But we can do that. I hope Republicans and Democrats together will recognize the urgent need to do this.

I would like to address one other issue, and that is the issue of the price of prescription drugs. Why do prescription drugs cost so much, and what can we do about it? Let me say at the outset, I want the pharmaceutical industry to be successful. I want the drug companies to be successful. I want them to be profitable. I want them to continue to invest in new research and development to help discover new lifesaving medicines and drugs. As you know, the federal government provides a substantial investment in pharmaceutical research and development through the National Institutes of Health and tax credits. A substantial amount of research and development for new medicines is publicly funded. But the pharmaceutical industry does private research and development.

I want them to be successful. But I also want them to price pharmaceutical drugs fairly for all of the American people. In virtually every other country in which you purchase a prescription drug made by a pharmaceutical company in a plant inspected by the Food and Drug Administration, the same pill in the same bottle made by the same company costs double, sometimes triple the amount in the United States than in virtually any other country in the world. I will give you some examples.

Let me go back to some of the medications most frequently used by older Americans who consume a third of the prescription drugs in our country. If they take Zocor, a cholesterol-reducing drug, the same drug in the same dosage and quantity costs $106 in the United States, and only $43 in Canada, $47 in Mexico. These prices have been converted to U.S. dollars.

Or Prilosec, a drug for ulcers costs $105 in the U.S., $53 in Canada, and $29 in Mexico.

Zoloft, a drug for depression, costs $195 in America, $124 in Canada, and $155 in Mexico. The list goes on.

This chart shows it better. How much do we pay for prescription drugs? For every $1 that American consumers pay for a prescription drug, that same drug would cost much less in other nations. For every dollar Americans spend for prescription medications, Canadian consumers pay 64 cents, the English pay 65 cents, the Swedes pay $68 cents, and the Italians pay 51 cents.

Why do U.S. consumers pay the highest prices in the world for prescription drugs? The answer is because the pharmaceutical industry can charge as much as they want if they choose to do so —and they do.

I took a small group of senior citizens to Emerson, Canada, recently. They purchased prescription drugs at the pharmacy in Emerson. These are senior citizens with heart disease, osteoporosis, diabetes, and other illnesses. Guess what. We went 5 miles

across the border into Canada and there they could buy the same prescription drugs at a small percentage of the price of the prescription drugs in this country. These are the same pills, made by the same company, often actually made in the United States and then shipped 5 miles north into Canada. Yet, if U.S. consumers were to buy them in the United States, they are charged much higher prices.

Is that fair? No. If this is truly a global economy, then it seems to me that pharmacists in this country ought to be able to access those same drugs in any market in the world and pass the savings on to their customers. That would, in my judgment, force the pharmaceutical industry to reprice their products in the United States.

As I said when I started, I want the pharmaceutical industry to make money. I want them to do good pharmaceutical. The Wall Street Journal calls the profits of the pharmaceutical industry ''the envy of the corporate world.'' Why? At least in part, it seems to me, it is because the U.S. consumer is charged very, very high prices for the same drug that is marketed in the rest of the world at a much lower cost. I have introduced a piece of legislation, the International Prescription Drug Parity Act, that I and a bipartisan group of cosponsors are going to try to get passed in this Congress to address this problem.

These issues of pharmaceutical drug costs and a prescription drug benefit in Medicare are very important issues. Lifesaving medicine is only able to save lives if people can afford to have access to that medicine. Too many Americans find these prices are out of their reach. Too many senior citizens living on fixed incomes are finding they are not able to afford the medicines that are necessary for them to prolong their lives, to improve their lives, and to treat their diseases or illness. We in Congress can do something about that. But I would say this. Even as we try to add a prescription drug benefit to Medicare, we must find a way to put some downward pressure on prescription drug prices and provide some fairness relative to what the rest of the world pays for the same prescription drugs.

Mr. President, I again thank the Senator from Iowa for the courtesy. I know the bankruptcy bill is on the floor.

I yield the floor.

Mr. SPECTER. Mr. President, parliamentary inquiry: Are we still in morning business?

EXTENSION OF MORNING BUSINESS

The PRESIDING OFFICER. It would be appropriate to extend morning business. Under the order we are to go to S. 625.

Mr. SPECTER. Mr. President, I ask unanimous consent that I may speak for up to 15 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. I thank the Chair.

(The remarks of Mr. SPECTER pertaining to the introduction of S. 2015 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

YONGYI SONG

Mr. SPECTER. Mr. President, I want to say a few words about a distinguished Pennsylvanian, the librarian from Dickinson College in Carlisle, PA, Mr. Yongyi Song, who was greeted tumultuously in Philadelphia on Saturday afternoon when he returned from the People's Republic of China after having been held in custody there since August 7.

Mr. Yongyi Song came to the United States some 10 years ago and has become a world-renowned scholar on the Cultural Revolution. In addition to his regular duties at Dickinson College, he has published extensively on the Cultural Revolution.

Last August, he and his wife Helen made a trip to the People's Republic of China so that he could continue his research. While there, he was taken into custody on August 7. Thereafter, his wife was released, but on Christmas Eve he was charged with transmitting state secrets.

A careful analysis of the case raises very severe questions as to whether there was ever any substance to the charges. A campaign was waged by scholars and academicians and by colleges and universities across the land to obtain his release. Dickinson College retained a very distinguished attorney, Jerome Cohen, an expert in Chinese affairs, who took up the cause.

A resolution was submitted last Wednesday by this Senator with quite a number of cosponsors—Senator BIDEN, the ranking member on the Foreign Relations Committee, being the principal cosponsor; in addition, Senator SANTORUM and others.

After consultation with Secretary of State Albright and others in the State Department, I sought a meeting with the Chinese Ambassador, which I had last Friday late in the morning.

Before going to the meeting, I heard rumors that Yongyi Song might be released. While I met with the Chinese Ambassador, I was delighted to find that he handed me a piece of paper announcing Mr. Song's release, and gave me the word that Mr. Song would soon be on a Northwest airliner headed for Detroit, and ultimately for Philadelphia.

We thank the People's Republic of China and we thank the Chinese Ambassador for Mr. Yongyi Song's release. We regret that he ever was taken into custody. But when he returned and commented to the news media, on a galaxy of cameras—both television and still cameras—and to many newspaper reporters, Mr. Song commented that he was not physically abused. He said he was subjected to a good bit of mental torture. He disputed the representations by the People's Republic of China that he had confessed or implicated others. But as Shakespeare would say, ''All's well that ends well.''

It has been reported that this is the first time there has been a release of anybody who was charged with stealing state secrets. It is my hope that this is a significant step forward for the People's Republic of China to recognize human rights. In an era when the People's Republic of China is seeking permanent most-favored-nation status and seeking entry into the World Trade Organization, it is my hope that they will accept at least minimal norms for due process, so that if someone is taken into custody, that person is entitled to confer with counsel, should be entitled to notice of the charges, should be entitled to an open trial, and should have the requirement that evidence be presented in an open forum before any determination of guilt.

The detention of Mr. Yongyi Song from August 7 until January 28, in my judgment, was excessive. But we are glad to have Yongyi Song back at his duties at Dickinson College and glad this has ended favorably. We do hope this is a first step in a continuing recognition by the People's Republic of China to give appropriate consideration to human rights.

Mr. President, I ask unanimous consent that a copy of the article entitled ''Scholar Back in U.S. After China Detention'' from The New York Times be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Jan. 30, 2000]

SCHOLAR BACK IN U.S. AFTER CHINA DETENTION

(By Philip Shenon)

PHILADELPHIA, Jan. 29—An American-based Chinese scholar who had been jailed in China for nearly six months returned to the United States today to say that he had been ''mentally tortured'' by Chinese security agents who demanded that he confess to espionage and implicate others.

''They didn't torture me physically, but I should say that they mentally tortured me,'' the scholar, Song Yongyi, a research librarian at Dickinson College in Carlisle, Pa., said after he was reunited with his wife in a tearful scene at Philadelphia's international airport. ''It was very ruthless.''

''When I come back to the United States, I really feel at home now,'' said Mr. Song, who was taken into custody by the Chinese last summer, only weeks before he had been scheduled to be sworn in as an American citizen. ''Even though China gave me birth, the United States gave me spirit.''

In an airport news conference and in a separate interview, the 50-year-old librarian, a specialist in the documents of the murderous decade from 1966 to 1976 known as the Cultural Revolution, denied a claim by the Chinese government that he was freed after he confessed to spying.

''I did not confess to anything,'' he said, crediting his release to pressure on Beijing from members of Congress who threatened to hold up vital trade legislation, and from Western scholars who campaigned for his freedom.

Scholars had warned that his arrest threatened to jeopardize academic exchange programs that China had carefully cultivated with the United States and other Western countries since the late 1970's.

''I say thank you to all the American people, because without them I cannot get released,'' Mr. Song said, his eyes brimming with tears, which he said were among the first he had shed since childhood. ''During the past 30 years, I never cry, but last night I cry all night.''

He was met at the airport by his wife, Helen Yao, a jewelry designer, and Senator ARLEN SPECTER, the Pennsylvania Republican who introduced legislation demanding Mr. Song's release and granting him immediate American citizenship. He also threatened to block legislation intended to make way for China's entry into the World Trade Organization.

Mr. Song and his wife, who is also Chinese-born, were detained in August in Beijing, where he had been gathering yellowing Communist Party newspapers and handbills published during the Cultural Revolution, about which he has written two books and several articles. Ms. Yao was released in November and forced to leave China without her husband.

Mr. Song said today that the documents he had been gathering were published by the radicals known as the Red Guards and that they were available at the time to virtually everyone in China. He said there was nothing secret about them.

''You can purchase all those in public markets,'' he said. ''You can purchase those in some book stores. This is not national security.''

He said he argued the point with his guards over and over again. ''I strongly argue that,'' he said in his sometimes broken English. ''My question is: If you say this is a secret and I'm leaking the secret, then you should first say all the Chinese people are spies. Because they all touched those. They all know this, not only me.''

The Cultural Revolution, in which millions of Chinese were persecuted as Mao tried to consolidate his power and ''purify'' the Communist Party, remains a subject of extreme sensitivity to Beijing, which continues to restrict access to official archives of the period.

During his early interrogations, Mr. Song said, his guards tried to coerce him with lies. He said they told him that his wife, who was being held in a separate detention center, was gravely ill, but that she could be freed for medical treatment if he confessed to spying.

''That was the worst moment of all,'' he said. ''They say my wife is so sick and so weak, that I should think about my wife and how she could return home quickly.''

When that did not work, he said, the guards tried to convince him that his wife had implicated him in spying and other crimes against the government. ''Every time they question me, they say, your wife says such-and-such, your wife identifies such-and-such,'' Mr. Song said.

At one point, he said, security agents told him that his wife had identified him as a member of Falun Gong, the spiritual group that has been the subject of a vicious crackdown recently, and that he had smuggled its literature into China.

''I know nothing about Falun Gong,'' Mr. Song said, ''I say, I believe this is not true. I say, bring my wife in. But then they become suddenly silent. They said, O.K., we move on to the next topic.''

He said the experience of the last several months was far worse than his experience during the Cultural Revolution, when he was arrested and branded a counter-revolutionary.

''In the 1970's, I was beaten, I was tortured,'' he said. ''But this was worse. With physical torture, they torture only you. This time, they arrest, and they try to mentally torture my wife. As a man, you feel so bad.''

Mr. Song, who has bladder cancer that is in remission, said that he had repeatedly asked to see a doctor, but that his guards refused without explanation. ''My health condition is not very good, and I asked them several times if I could get doctors to examine me, but they wouldn't,'' he said ''As soon as I get home, I should see a doctor and get a full body examination.''

As he set off from the airport after the news conference, Mr. Song was asked what he would do when he arrived home in Carlisle. He did not hesitate. ''I think he will have some sweet talk with my wife,'' he said, his arm tightly around her shoulder.

He said Ms. Yao's confinement in China had changed her. ''My wife became a very brave woman, so I'm very proud of her,'' he said. ''Actually this is not her typical characteristic. The Chinese government, the Chinese national security police, they make a weak woman into a brave soldier.''

Mr. SPECTER. I thank the Chair and my distinguished colleague from Iowa.

Mr. President, in the absence of any other Senator seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SESSIONS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. COLLINS). Without objection, it is so ordered.

BANKRUPTCY REFORM ACT OF 1999—Resumed

Mr. SESSIONS. I believe the pending order of business is the bankruptcy bill.

The PRESIDING OFFICER. That is correct.

Mr. SESSIONS. I would like to talk about the pending bankruptcy bill and give my full and total support to the work of Senator GRASSLEY and others.

The PRESIDING OFFICER. The clerk will report the bill by title, since these will be the first comments.

The legislative clerk read as follows:

A bill (S. 625) to amend title 11, United States Code, and for other purposes.

Pending:

Wellstone amendment No. 2537, to disallow claims of certain insured depository institutions.

Wellstone amendment No. 2538, with respect to the disallowance of certain claims and to prohibit certain coercive debt collection practices.

Schumer/Durbin amendment No. 2762, to modify the means test relating to safe harbor provisions.

Schumer amendment No. 2763, to ensure that debts incurred as a result of clinic violence are nondischargeable.

Feingold modified amendment No. 2748, to provide for an exception to a limitation on an automatic stay under section 362(b) of title 11, United States Code, relating to evictions and similar proceedings to provide for the payment of rent that becomes due after the petition of a debtor is filed.

The PRESIDING OFFICER. The Senator is recognized.

Mr. SESSIONS. Madam President, I give my total support to this bill, which is a needed overhaul reform update and modernization of an act that is very important to America. It allows people every day—over a million a year—to totally wipe out debts that they owe, to start afresh and not pay people they have legally obligated themselves to pay. It is part of our historical constitutional process. We venerate that right to start anew.

Over the past years, we also have recognized there are a number of problems with the way bankruptcy is being handled. We believe we can make it better. I believe this bill does make it better. As a new Senator who has been here only 3 years, it has been somewhat frustrating to see that we cannot quite get a final vote on the bill. At one time or another, at the most inopportune moments, there has been a group of people who have come up with objections and delays, and we have now been on this for 3 years.

It has passed this body with over 90 votes. At one time it came out of the Judiciary Committee with a 16–2 vote. We have a good, broad, bipartisan bill that improves bankruptcy law, and it ought to be passed. The objections to this legislation have only been those of the most complex and minute nature. The overall aspects of this bill are sound. It has very little opposition.

Let me point out a few things.

Bankruptcies have increased 350 percent since 1980, during a time of great economic expansion. In 1980, there were 287,000 bankruptcies filed. In 1999, as this chart shows, there were 1,300,000 bankruptcies filed. And 1999, as the President told us the other night, was a great year for Americans economically.

How is this happening? Is this necessary? Are these all legitimate? What can we do about it? That is what this bill addresses.

I believe we do need reform because of an extraordinary increase in filings.

Some are saying we do not need this bill. There was an ad run in a local Washington newspaper that said: We do not need the bankruptcy legislation; we had a 7 percent drop last year in filings; so, therefore, you should just stop all the work that you have been doing.

I thought that was a silly ad. After a 350 percent increase, we have one of the best economic years ever and had a modest decline of 7 percent, and somehow that suggests we do not have a problem with filings? We do have a problem with filings. The numbers still are well over 1 million filings per year.

There is another reason we need bankruptcy reform. I am a lawyer. I served as a U.S. attorney. I am on the Judiciary Committee. I believe that the rule of law ought to be consistent and fair, worthy of respect. I also recognize that lawyers are strong advocates. I respect that. Sometimes they get unscrupulous and abuse the system, but generally what lawyers do is

take the law we pass and use it for everything they are worth to benefit their client.

That is what has happened with the bankruptcy system. Since 1978,—the last time we had bankruptcy reform—lawyers have learned how to manipulate the law. They have learned how to do things that have in many ways abused the operation of the system. It leads to hard feelings. It leads to a sense of unfairness and frustration when people feel their just debts are unfairly, without justification, wiped out and not paid because of a technicality in the bankruptcy law. People have to spend extraordinary sums of money to litigate an issue in bankruptcy court that should be decided easily by a clearly written statute. So we do have abuse of the system. No matter how many filings there are, we need a system that is fair for the filings that do occur. That is what we have worked on in these last several years.

We have a number of basic principles. If a person can pay the debts he or she justly obligated themselves to pay, that person should pay it or at least that portion of it they are able to pay. If they are unable to pay their debts, they ought to be able to wipe them out in bankruptcy.

What we are seeing today—and I am hearing this from people I talk to all over Alabama—is people who are making $80,000, $90,000, $100,000 and could easily pay back all or part of their debts are going into bankruptcy and wiping out every debt they owe. Often they are not paying the people they previously agreed to pay when they undertook the debt and got the loan or the benefits from the gas station or the automobile dealership or the furniture store. When they got those benefits, they agreed to pay them. The creditors or businesses don't make as much money as the debtors do, and they are able to go into court and wipe that out. If you think that is not happening, I can assure you that it happens every day in America. We allow that under present bankruptcy law. There is a section called substantial abuse that a judge can use to reduce the abuses under current law, but what our hearings have found is that it is totally ineffective and is almost never utilized in the American bankruptcy system today.

What we are trying to do is legislate precisely what a substantial abuse of the system is. For those who can pay a part of their debts, they ought to pay them. What could be more fair?

What we have come up with is a system called needs-based bankruptcy. That is, to the extent to which you need bankruptcy relief, you get it. But if you don't need it and can pay your debts, you ought to pay some of them or part of them. So the way the act is written, if a person can pay 25 percent of their nonpriority unsecured claims—setting aside as a priority child support and alimony—if you can, after paying that, pay 25 percent of your nonpriority unsecured claims, then you ought to pay those or $15,000, whichever is less, and we give the debtor 5 years in which to pay that. That is the kind of thing I think is the right step.

To have a bright line rule and to try to make sure we are not clogging the court with too much work, and that we are having a fair system, we have in the act provisions that say, in effect, that if a person makes above the median American income, they can't be forced to pay back some or all of their debt. They can still file, as they always have, in straight bankruptcy.

For example, a family of four who makes $44,000 is making the median income in America. If they are making $43,000, the presumption that they ought to and they can pay back some of their debt, does not apply to them because they will be making below the median income. So the new rule change only affects those who are making above the median income in America today. We think that is fair and reasonable. If you are making above the median income and you can pay back some of your debts, many times to people who make less than you do, you ought to pay those debts. I think that is a good step in the right direction.

There are a number of other abuses in the system. I mentioned child support and alimony. Under current law, half a dozen categories of debt are given repayment priority over child support and alimony. The sponsors of this bill, Senators GRASSLEY and HATCH, made clear at the very beginning we were going to move child support and alimony up to No. 1—there would not be any debate about that—even higher than lawyers fees. Of course, the lawyers are not too happy about that, but that is what we think about it: child support ought to be tops. So how anybody could go around and suggest, as some have, that this legislation is unfair to women and children is beyond my comprehension. It is baffling to me. I wonder how anyone can make that complaint and not be doing it with the most deliberate intent to smear this legislation. I think they need to read the bill.

It gives the highest, unprecedented priority to child support. If an individual files bankruptcy and they owe alimony or child support, the moneys they have will go first to pay alimony and child support before it even pays the lawyer and the bankruptcy trustees.

I know that Senator GRASSLEY felt strongly about another reform in this bill. Many of the people who are owed money, creditors, by people who have filed bankruptcy get a legal notice that they are to appear in court. They have to go out and hire a lawyer to send them to the courthouse and fight over a $2,000, $3,500 claim. Oftentimes the lawyer's fees cost more than the person actually collects. This legislation makes clear that if you have a claim, you can go to court and represent yourself without having to hire a lawyer.

I am quite confident that in most cases for smaller claims the bankruptcy judges are going to give a fair hearing to those people. Many times they will not need to hire an attorney to represent them in bankruptcy court. That is going to save a lot of money, in my view, for people who need it and don't need to be wasting it on unnecessary court hearings and fees.

There has been a real problem with repeat filers. People are repeatedly filing in bankruptcy. That is extraordinarily frustrating to people who observe the system. We have a Federal bankruptcy commission made up of Federal judges and top bankruptcy experts that has expressed its concern about these repeat filings. We have good provisions that will eliminate some of the abuses in repeat filings, something that is long overdue.

I felt strongly about, and debated with Senator KOHL and others, the reform of the unlimited homestead exemption. In several States—Texas, Florida, for example—no matter how much money you owe, you can keep your house, no matter how valuable that house is. It is quite clever that some people realize this and go out and buy multimillion-dollar mansions, pour all their assets into those homes and call it their homestead. Then they go bankrupt and don't pay their accountant, their doctor, their lawyer or anybody else, and they are sitting in a multimillion-dollar home. That is not right. Why should people who are living in modest houses not get paid by somebody who is living in a house worth several million dollars? We have had hearings about that. We have newspaper articles that actually identify people by name who have moved to Florida, moved to Texas, buy these mansions, and don't pay the people they owe. So we have at least capped that exemption at the level of $100,000. I think that is a bit high. However, the States can lower it. Some States have $15,000 as all you can keep in a homestead; others have $50,000. But the maximum now is $100,000, instead of just allowing quite a number of States to have unlimited homesteads. In fact, they will do things such as move out of a State where they owe a lot of debt, pump all their money into a homestead in another State, declare bankruptcy, and pay nobody back home where they left. That is an abuse we have eliminated in the legislation as it is today.

We had a common problem with landlord-tenant. If anybody has managed an apartment duplex, or maybe has had a garage apartment or a few housing units, and rented those, you know how difficult the eviction process is. Each State in this country has a complex system of eviction procedures so that tenants cannot be unfairly removed from their premises. Sometimes these laws are pretty complex and it takes a good bit of effort before somebody can be removed if they don't pay their rent, or if they are using drugs on the premises, or destroying the property, or disrupting the neighborhood. It is very

difficult sometimes. But there is a procedure for it, and you can go to State court and evict someone.

We are finding that lawyers are running ads in the paper such as this: ''Seven months free rent. Call me if you have a problem paying your rent. We guarantee you can live rent free for seven months.'' We have ads on that: ''Seven months free rent, 100 percent guaranteed in writing. We guarantee you can stay in your apartment or house 2 to 7 months more without paying a penny of rent.''

How can they do that? They are doing it because they get the person in and tell them to file bankruptcy, and usually they tell them to wait until the last step of the eviction process is about to be taken in State court, when the judge has heard the case and they are about to rule that you can be evicted, presumably. Then they file for bankruptcy.

What happens when you file an action in bankruptcy? It stays, or stops, automatically, all the proceedings in State court. So this stops the eviction proceeding, no matter how close it is to finality. And then the poor landlords—who opponents of the bill like to suggest are usually big wealthy people, but normally most of the landlords in America have smaller units of housing and don't have legal staffs and an ability to respond—now they have to go to bankruptcy court. The case is docketed, the judge sets a hearing, and somebody asks for a continuance, and they have to hire a lawyer. Now the tenant is fussing and saying he wasn't using drugs anyway and should not be kicked out. Now we have another trial going in Federal court over whether or not this person should be evicted. We found that, in California, 3,886 bankruptcy cases were filed simply to stop eviction proceedings by the sheriff's office in Los Angeles. That is an astounding number from just one county in America. It is this kind of ad that generates this kind of action.

I don't know for sure, but a lot of these people probably didn't need to file bankruptcy, but we are giving them a priority and advantages that other people who don't file bankruptcy don't get. It seems to me that, in effect, we are saying to a landlord: You have to be a private charity. You have to let this person stay in your premises for 7 months without paying rent before we can get him out of there, and we in the law can't do anything about it. That is the way the law is written.

Well, it is our job as Senators and Members of Congress to fix laws that have those kinds of loopholes. We are going to fix that one. We are not going to have that kind of abuse continuing to occur in America. It is not right. It is our responsibility to end this abuse. You can blame the lawyers all you want, but if the law allows them to do it, they can do it. It is our job to make the law, not the lawyers who are using it.

We have another idea that I thought about and believe in strongly. I have visited, in my hometown of Mobile, AL, a credit counseling agency. I spent nearly a full day there. These agencies are in existence virtually in every town in this country. They are very popular. People, more than you know, have financial troubles. It is the leading cause of family breakup in America—financial disputes among spouses. What we need more than we need bankruptcy relief in America is a system to encourage people to be good money managers, to recognize what their income is, to set a budget, and have the whole family agree to it and stand by it. When that occurs, we can avoid many of the problems we now see.

I will note that I don't dispute at all that quite a number—perhaps well over half of bankruptcies that are filed—are filed because of things beyond people's ability to control. Maybe it is because of an automobile accident, or a serious medical bill, or a business failure, or maybe a mental illness or something else in the family. So there are reasons. But for a large number of Americans, they don't need to be this bad off in this time of economic growth. A lot of it is just a simple inability to understand how to manage their money.

A credit counseling agency will bring the entire family in, and they will sit around the table and prepare a budget for the family and help them agree to it and have them sign that agreement. They will help them decide what debts to pay first. The credit counseling agency will call creditors demanding payment and say: We are here working with this couple. If you will give us 3 months to take care of some other bills, we will start paying you. We will start paying you so much a month, and we will pay this debt down. Give us that chance.

Creditors are able to do that on a regular basis. They work out things for these families and help them to not only avoid bankruptcy, they help them to pay off their debts and help them to generate a lifestyle of good money management, which will continue in the future and perhaps cause them to avoid filing bankruptcy again in the future. We like that idea.

Our legislation says that before you file bankruptcy, you must at least visit and talk with a credit counseling agency to see if they may be able to help you with an alternative to bankruptcy. Frankly, lawyers are not doing that. Basically, what is happening with lawyers today is, they are running ads in the paper, and people are coming in and meeting with paralegals who fill out the form, and they file the bankruptcy; they tell them how much the fee is going to be, and then they tell them how to get the money for the fee, to use credit cards and everything else, and don't pay any debts, take the money you make and give it to me as a lawyer fee, and I will file for you as soon as the money is there. That is basically what is happening. It is not good. We need to be concerned about families and try to get them on the right track of thinking about financial obligations and the need to repay them.

So there are some other matters in this bill—many more matters of great import. I am excited about it. I think it is overdue. I want to express my appreciation again for the leadership of Senator GRASSLEY. He has steadfastly, fairly, and in a bipartisan way, worked to move this bill to final passage.

I am convinced we are on the verge of that now. I thought we were previously. It slipped away from us. But we passed it twice in this body I think with overwhelming votes—one time, I believe with only one ''no'' vote.

We are going to pass this bill. It is a good bill. It will make our bankruptcy system a form of Federal court in which people who are unable to pay their debt can choose to go in and have those wiped out.

We are going to create a system that is better than the current system. The vast majority of filers will be able to wipe out all of the debt like they always have. But for those who can pay, they ought to be made to pay some of it and to allow the other abuses and costs that go with it to be eliminated.

Attorney fees and litigation can be eliminated. Some people are going to find maybe there is an alternative through a credit counseling agency rather than going through the process of filing bankruptcy. I think that will be a good step.

I am proud to have worked on this. I am proud to have worked with Senator GRASSLEY, whom I admire so greatly. I look forward to final passage and signing by the President of this important legislation.

Thank you, Madam President. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LOTT. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Madam President, in a few moments, I will ask unanimous consent to proceed to the nuclear waste bill. However, I will withhold that request until Senator REID is able to reach the Chamber. I thought while we were waiting on his arrival I would go ahead and make some remarks about this very important legislation.

We will, for the information of all Senators, continue to work tomorrow on the bankruptcy reform package and the amendments that have been agreed to. We hope to make good progress tomorrow. We will have recorded votes on Tuesday, but as to exactly when we will be able to finish it will require some communication with both sides of the aisle. It could be that we will not be able to finish until sometime Wednesday. After that, of course, we hope to be on the nuclear waste issue.

NUCLEAR WASTE STORAGE

Mr. LOTT. Madam President, I urge my colleagues to allow the body to move forward with regard to the nuclear waste storage bill. More than 15 years ago, Congress directed the Department of Energy to take responsibility for the disposal of nuclear waste created by commercial nuclear powerplants and our Nation's defense programs. Today, there are more than 100,000 tons of spent nuclear fuel that must be dealt with.

Quite some time has now passed since DOE was absolutely obligated under the NWPA Act of 1982 to begin accepting spent nuclear fuel from utility sites.

All across this country, we have sites where nuclear waste products are in open pools, cooling pools. Many of those are filling up. A number of States have a major problem.

In my opinion, this is one of the most important environmental issues we have to face as a nation. We have to deal with this problem. There have been billions of dollars spent on it. There has been time put into thinking about the proper way to do it. States all across this country, from Vermont to Mississippi to Minnesota to Washington, believe very strongly that we need to address this issue.

Apparently today, DOE is no closer in coming up with a solution. This is totally unacceptable. This is, in fact, wrong, so say the Federal courts. The law is clear, and DOE has not met its obligation, so the Congress must act.

I am encouraged that Senator MURKOWSKI and his committee have addressed the issue and they have come up with a different bill than the one we considered the year before last. They have made concessions, they have made improvements, and I thought we had a bill that was going to be generally overwhelmingly accepted.

I do think when we get over procedural hurdles, when the final vote is taken on this nuclear waste disposal bill, the vote will probably be in the high seventies or eighties when it is actually voted on, and that is an important point. The Senate will vote by overwhelming numbers for this legislation, so we need to move through the process.

I know there is opposition from the Senators from Nevada, and they have to have an opportunity to make their case and offer amendments if they feel the need to do so, as well as other Senators. But I think it is so important that we cannot allow it to languish any longer. It is a bipartisan effort that came out of the committee. It is safe, practical, and it is a workable solution for America's spent fuel storage needs.

This is the proper storage of spent fuel, and it is not being done in a partisan way. It is dealt with as a safety issue. Where is DOE? Well, about where it is always, I guess. What is their solution? If not this, what?

They have not given us any answers or any indications of how they would like to proceed with this. All of America's experience in waste management over the last 25 years of improving environmental protection has taught Congress that safe, effective waste handling practices entail using centralized, permitted, and controlled facilities to gather and manage accumulated waste.

I took the time to go to Sweden and France and to meet with officials from the private sector in Britain. I looked at how they have dealt with their waste problem. They have dealt with it. Sweden has; France has; Britain and Japan; but not the United States. Why? We are the most developed country in the world, yet we have not dealt with this very important issue. So after over 25 years of working with this problem, DOE has still not made specific plans.

The management of used nuclear fuel should capitalize on the knowledge and experience we have. Nearly 100 communities have this spent fuel sitting in their ''backyards,'' and it needs to be gathered, accumulated, and placed in a secure and safe place. This lack of a central storage capacity could very possibly cause the closing of several nuclear powerplants.

These affected plants produce nearly 20 percent of America's electricity. Closing these plants does not make sense. But if we do not do something with the waste, that could be the result.

Nuclear energy is a significant part of America's energy future and must remain part of the energy mix. America needs nuclear power to maintain our secure, reliable, and affordable supplies of electricity. At the same time, nuclear power allows the Nation to directly and effectively address increasingly stringent air quality requirements.

I challenge my colleagues in the Chamber, on both sides of the aisle, to get this bill done. We spent a lot of time on it the year before last. We ran into the blue slip problem with the House. We will not have that problem with this bill.

The citizens in these communities are looking for us to act. The nuclear industry had already committed to the Federal Government about $15 billion toward building the facility by 1998. The industry has continued to pay between $40 and $80 billion in fees for storage of this spent fuel.

It is time for the Federal Government to honor its commitment to the American people and to the power community. It is time for the Federal Government to protect these 100 communities to ensure that the Federal Government meets its commitment to States and electricity consumers. The 106th Congress must mandate completion of this program—a program that gives the Federal Government title to waste currently stored on-site at facilities across the Nation, a site for permanent disposal, and a transportation infrastructure to safely move the used fuel from plants to the storage facility.

Again, I have had people express concerns to me about how this can be done safely. I actually took the time to look at the equipment that is used to move this spent fuel in other countries, particularly in France, and they have done it safely, without a single incident—no problem ever. Again, they are doing it in France. Can't we do it in America?

Our foot dragging is unfortunate. It is unacceptable. Clearly, we must move this legislation. The only remedy to stop the delays—and it is a timely action—is for the Senate to consider this in the 106th Congress.

Let's move forward and get this legislation done.

Madam President, I see Senator REID is here.

UNANIMOUS CONSENT REQUEST—S. 1287

Mr. LOTT. Madam President, I ask unanimous consent that the Senate proceed to the nuclear waste bill, S. 1287, following passage of the bankruptcy bill.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Madam President, reserving the right to object, I say to my friend, the majority leader, that on the surface it does appear that something needs to be done with nuclear waste. If you get under the surface, of course, there should be something done.

I am not going to give a long dissertation now on nuclear waste. We have had that in the past. But the fact of the matter is, really what should happen is, it should stay where it is. That is what the scientists say. It could be safely stored on site in dry cast storage containment, as is done in Calvert Cliffs, MD, for the next 100 years.

The nuclear power industry, which has created this fiasco, wants someone else to clean up their mess. They want it out of their hands. They want their hands washed of it.

The fact of the matter is, we are looking at this legislation. Senator MURKOWSKI is trying to come up with some alternative. I have been told by the minority on the Energy Committee that if that is the case, he is going to try to change the legislation that is now before this body. That is, the legislation now before this body would take the Environmental Protection Agency out of the mix; that is, the Environmental Protection Agency would not be setting the standards for Yucca Mountain, but it would be given to the Nuclear Regulatory Commission, which, in fact, is the one that does licensing. That really is literally having the fox guard the hen house.

In this legislation, we simply want things to remain the way they are—have the Environmental Protection Agency set the standards. But we understand there is a lot of agitation by the very powerful nuclear power industry, that wants to move this forward in spite of the fact that it could damage

the country. We understand that. We hope good sense will prevail because the President has said he will veto this legislation. I think that is the reason Senator MURKOWSKI, the chairman of the committee, wants to come up with something that is going to be such that it will not create a fight here on the floor.

As the majority leader knows, we have enough votes to sustain a Presidential veto. We hope we will not get to the point where that is necessary.

Will the leader again state what the request is?

Mr. LOTT. The consent would be for the Senate to proceed to the nuclear waste bill, S. 1287, following passage of the bankruptcy bill.

Mr. REID. I object to that.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. I understood the Senator would object.

I think it is very important, though, that we move this legislation forward.

NUCLEAR WASTE POLICY AMENDMENTS ACT OF 1999—MOTION TO PROCEED

CLOTURE MOTION

Mr. LOTT. Having heard the objection then, I move to proceed to S. 1287 and send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 180, S. 1287, the Nuclear Waste Amendments Act of 1999:

Trent Lott, Frank H. Murkowski, Jim Bunning, Thad Cochran, Kay Bailey Hutchison, Mike Crapo, Richard Shelby, Larry E. Craig, Craig Thomas, Judd Gregg, Jeff Sessions, Bob Smith of New Hampshire, Phil Gramm, Slade Gorton, Tim Hutchinson, and Don Nickles.

Mr. LOTT. Madam President, the cloture vote will occur on Wednesday, February 2. I will notify Members when the time has been established. Of course, I will confer with the Democratic leadership about the exact time.

In the meantime, I ask unanimous consent that the mandatory quorum under rule XXII be waived and the cloture vote occur immediately following the passage of the bankruptcy bill after the use or yielding back of 30 minutes of debate time, equally divided in the usual form.

Mr. REID. Reserving the right to object to that request of the leader, I am confident that request will be granted. I cannot do it right now, but I am sure we will be able to—my colleague from Nevada is on an airplane. I want to be able to confer with him. I think we will be able to do that without a problem.

Mr. LOTT. We appreciate that and look forward to conferring with the Senator on that. I will talk to Senator MURKOWSKI, too, about any plans he may have. I know he wants to get this done. But he is also sensitive to concerns that exist.

We will continue to work to find a way to make this happen.

Mr. REID. Mr. Leader, if I could say this, too. I say about Senator MURKOWSKI, we have been real adversaries on this issue, but I have to say that he has been a total gentleman about everything he has done on this. As bitter as are some of the pills he has asked us to swallow, the fact of the matter is he has never tried to surprise me. He has been very open and above board. I appreciate that very much about Senator MURKOWSKI.

Mr. LOTT. Madam President, we should go ahead and clarify, there was not objection to this?

The PRESIDING OFFICER. Is there objection to the request?

Mr. REID. I say to my friend, I do not know how, procedurally, we are going to go about doing this. I have to talk to Senator BRYAN before I can allow this to go forward. I cannot do that right now. So I object.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. Let me revise that request and/or that notification and see if we can get unanimous consent that we have the cloture vote on Wednesday, February 3. We will notify Members exactly what the time will be. In the meantime, I ask unanimous consent that the mandatory quorum under rule XXII be waived and then not put in the limiting of the time.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LOTT. Let me say, while I believe very strongly that this legislation needs to be passed and is an issue that has tremendous environmental consequences and concerns we have to address, I think the Senator from Nevada would also acknowledge that we have always been sensitive to the need for him and his colleague from Nevada to know what is going on, to not be surprised, have a chance to make their statements, offer amendments, and resist in every way. I am very sympathetic to the need for them to have that opportunity. We will protect their rights as we go forward. We appreciate the way the Senator has approached it also.

I now withdraw the motion to proceed.

The PRESIDING OFFICER. The Senator has that right. The motion is withdrawn.

Mr. LOTT. Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Madam President, what is the pending business?

The PRESIDING OFFICER. The pending business is the Wellstone amendment to the bankruptcy legislation.

Mr. FEINGOLD. Madam President, I ask unanimous consent to speak for 8 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator is recognized for 8 minutes.

DECISION TO SUSPEND EXECUTIONS IN ILLINOIS

Mr. FEINGOLD. Madam President, earlier today, Governor George Ryan of Illinois made an announcement that is absolutely unprecedented for a sitting governor since the reinstatement of the modern death penalty almost 25 years ago. Governor Ryan plans to effectively block executions in Illinois by granting stays of all scheduled executions on a case-by-case basis until a State panel can examine whether Illinois is administering the death penalty fairly and justly. Governor Ryan is right to take this step, because real questions are being raised about whether innocent people are being condemned to die.

Since the U.S. Supreme Court's 1976 Gregg decision finding the death penalty constitutional, Illinois has executed 12 people and and found 13 people on death row to be innocent. This is truly extraordinary. After condemning people to death, Illinois has actually found more death row inmates innocent than it has executed! Some of the innocent were exonerated based on a new DNA test of forensic evidence. Others successfully challenged their convictions based on inadequate representation by disbarred or suspended attorneys or a determination that crucial testimony of a jailhouse informant was unreliable. Illinois has exonerated 13 individuals but the numbers are sure to grow, as other cases continue to be investigated and appeals make their way through the courts.

What is even more troubling is that the lives of some of these 13 innocent people were saved not by the diligence of defense counsel or a jury or judge, but by a group of students taking a journalism class at Northwestern University. These Northwestern University students uncovered evidence, which led to the exoneration of people like Anthony Porter, who spent 15 years on death row and came within 2 days of execution. The criminal justice system failed to do its job. These students and their journalism professor—actors very much outside the criminal justice system—did the footwork to uncover exculpatory evidence. Governor Ryan supports the death penalty as a form of punishment in Illinois. I do not. But he has courageously acknowledged what many lawyers, scholars, and journalists have argued for some time: the criminal justice system in Illinois is broken and it must be fixed.

I applaud Governor Ryan for what is unfortunately unusual courage. Many political leaders, even those who may be personally opposed to the death penalty, nevertheless feel it is somehow ''political suicide'' to support a moratorium on executions. They fear being

labeled ''soft on crime.'' But, last year, the Nebraska legislature passed a moratorium initiative, unfortunately, it was only to be vetoed later by the governor. But Governor Ryan—a Republican Governor and the Illinois chair of Republican Presidential hopeful George W. Bush's campaign—has decided he will lead the people of Illinois to expecting more from their criminal justice system. He has decided to hold out for what should be the minimum standard of any system of justice: that we do all that we can not to execute an innocent person.

As a result of the Governor's action, Illinois is the first of the 38 States with the death penalty to halt all executions while it reviews the death penalty procedure. But the problems of inadequate representation, lack of access to DNA testing, police misconduct, racial bias and even simple errors are not unique to Illinois. These are problems that have plagued the administration of capital punishment around the country since the reinstatement of capital punishment almost a quarter century ago. I hope the Federal government and the other 37 States with capital punishment follow the wisdom of Illinois and halt executions until they, too, review their administration of the death penalty. At the Federal level, I call on the President and the Attorney General to suspend executions until the Federal government reviews the administration of the Federal death penalty.

Are we certain that the Federal death penalty is being applied in a fair, just and unbiased manner? Are we certain that the Federal death penalty is sought against defendants free of even a hint of racial bias? Are we certain that the Federal death penalty is sought evenly from U.S. Attorney district to U.S. Attorney district across the Nation? I don't think we have a clear answer to these questions. Yet, these are questions, literally, of life or death.

There isn't room for even a simple mistake when it comes to the ultimate punishment, the death penalty. For a nation that holds itself to principles of justice, equality and due process, the Federal government should not be in the business of punishing by killing. As Governor Ryan's spokesperson aptly noted, ''It's really not about politics. How could anyone be opposed to this when the system is so clearly flawed?''

Let us not let one more innocent person be condemned to die. Let us demand reform.

In a moment, I intend to offer an amendment to the bankruptcy bill. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FEINGOLD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

BANKRUPTCY REFORM ACT OF 1999—Continued

Mr. FEINGOLD. Madam President, I ask unanimous consent that the pending Wellstone amendment be set aside so I may offer an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2747

(Purpose: To make an amendment with respect to consumer credit transactions)

Mr. FEINGOLD. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Wisconsin [Mr. FEINGOLD] proposes an amendment numbered 2747.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in title XI, insert the following:

SEC. 11 . CONSUMER CREDIT TRANSACTIONS.

(a) DEFINITION.—Section 1 of title 9, United States Code, is amended—

(1) in the section heading, by striking ''**and 'commerce' defined**'' and inserting ''**, 'commerce', 'consumer credit transaction', and 'consumer credit contract' defined**''; and

(2) by inserting before the period at the end the following: ''; 'consumer credit transaction', as herein defined, means the right granted to a natural person to incur debt and defer its payment, where the credit is intended primarily for personal, family, or household purposes; and 'consumer credit contract', as herein defined, means any contract between the parties to a consumer credit transaction.''.

(b) AGREEMENTS TO ARBITRATE.—Section 2 of title 9, United States Code, is amended by adding at the end the following: ''Notwithstanding the preceding sentence, a written provision in any consumer credit contract evidencing a transaction involving commerce to settle by arbitration a controversy thereafter arising out of the contract, or the refusal to perform the whole or any part thereof, shall not be valid or enforceable. Nothing in this section shall prohibit the enforcement of any written agreement to settle by arbitration a controversy arising out of a consumer credit contract, if such written agreement has been entered into by the parties to the consumer credit contract after the controversy has arisen.''.

Mr. FEINGOLD. Madam President, I rise today to introduce an amendment to the bankruptcy reform bill that will protect and preserve the American consumers' right to take their disputes with creditors to court. There is a troubling trend among credit card companies and consumer credit lenders of requiring customers to use binding arbitration when a dispute arises. Under this system, the consumer is barred from taking a dispute to court, even a small claims court.

While arbitration can certainly be an efficient tool to settle claims, it is credible and effective only when customers and consumers enter into it knowingly, intelligently, and voluntarily. Unfortunately, that is not what is happening in the credit card and consumer credit lending business. One of the most fundamental principles of our civil justice system is each American's right to take a dispute to court. In fact, each of us has a right in civil and criminal cases to a trial by jury. A right to a jury trial in criminal cases is contained in the sixth amendment to the Constitution. The right to a jury trial in a civil case is contained in the seventh amendment, which provides, ''In suits at common law where the value and controversy shall exceed $20, the right of trial by jury shall be preserved.''

It has been argued that Americans are overusing the courts. Court dockets across the country are said to be congested with civil cases. In response to these concerns, various ways to resolve disputes, other than taking a dispute to court, have been developed. Alternatives to litigating in a court of law are collectively known as ''alternative dispute resolution,'' or ADR. Alternative dispute resolution includes mediation and arbitration. Mediation and arbitration can resolve disputes in an efficient manner because the parties can have their cases heard well before they would have received a trial date in a court. Mediation is conducted by a neutral third party, the mediator, who meets with the opposing parties to help them find a mutually satisfactory solution. Unlike a judge in a courtroom, the mediator has no independent power to impose a solution. No formal rules of evidence or procedure control mediation. The mediator and the parties mutually agree on how to proceed.

In contrast, arbitration involves one or more third parties—an arbitrator or arbitration panel. Unlike mediation but similar to a court proceeding, the arbitrator issues a decision after reviewing the merits of the case as presented by all parties. Arbitration uses rules of evidence and procedure, although it may use rules that are simpler or more flexible than the evidentiary and procedural rules that a party would follow or be subjected to in a court proceeding. And arbitration can be either binding or nonbinding.

Nonbinding arbitration means the decision issued by the arbitrator or arbitration panel takes effect only if the parties agree to it after they know what the decision is.

In binding arbitration, parties agree in advance to accept and abide by the decision, whatever it is. In addition, there is a practice of inserting arbitration clauses in contracts to require arbitration as the forum to resolve disputes before a dispute has even arisen.

Now, this is called mandatory arbitration. This means that if there is a dispute, the complaining party cannot file suit in court, and instead is required to pursue arbitration. It is binding, mandatory arbitration, and it therefore means that under the contract the parties must use arbitration

to resolve a future disagreement, and the decision of the arbitration panel is final. The parties have no ability to seek relief in court or through mediation. In fact, if they are not satisfied with the arbitration outcome, they are probably stuck with the decision. Even if a party believes the arbitrator did not consider all the facts or follow the law, the party cannot file a lawsuit in court. A basis to challenge a binding arbitration decision exists only where there is reason to believe the arbitrator committed actual fraud, which is a pretty unlikely scenario.

In contrast, if a dispute is resolved by a court, the parties can potentially pursue an appeal of the lower court's decision.

Madam President, because binding mandatory arbitration is so conclusive, this form of arbitration can be a credible means of dispute resolution only when all parties know and understand the full ramifications of agreeing to it. I am afraid that is not what is happening in our Nation's business climate and economy in a variety of contexts ranging from motor vehicle franchise agreements, to employment agreements, to credit card agreements. I am proud to have sponsored legislation addressing employment agreements and motor vehicle franchise agreements. In fact, I am the original cosponsor, with my distinguished colleague from Iowa, Senator GRASSLEY, the manager of the bankruptcy reform bill, of S. 1020, which would prohibit the unilateral imposition of binding, mandatory arbitration in motor vehicle dealership agreements with manufacturers. Many of our colleagues have joined us as cosponsors.

Similar to the problem in the motor vehicle dealership context, there is a growing, menacing trend of credit card companies and consumer credit lenders inserting binding, mandatory arbitration clauses in agreements with consumers. Companies such as First USA Bank, American Express, and Green Tree Discount Company unilaterally insert binding mandatory arbitration clauses in their agreements with consumers, often without the consumers' knowledge or consent.

The most common way the credit card companies have done so is often through the use of a ''bill stuffer.'' Bill stuffers are the advertisements and other materials that credit card companies insert in envelopes with the customers' monthly statements. Some credit card issuers such as American Express have placed fine-print, mandatory arbitration clauses on bill stuffers. Let's take a look at what I am talking about.

I have in my hand a monthly statement mailing from American Express. Let's look inside.

First, we have the return envelope to pay your bill. And look at what is on the envelope. They have attached an advertisement.

So before you can mail your payment, you have to tear this advertisement off the back of the envelope. Otherwise you won't be able to seal it shut.

Then, if you look at what else is in the envelope, here is the monthly statement. It is a multipage printed form, front and back.

On this occasion, even though there was very little activity on this particular account—one charge and one credit—the statement is six pages long. The first page contains information about how much you owe American Express, charges made, payments received, finance charges applied, and so on. The reverse side of the first page also contains some fine print information about the account.

Then, if you look at pages 3 and 4 they contain additional fine-print information about the account; for example, what to do if your card is stolen or lost, and a summary of your billing rights.

If you keep reading at this point, you look at pages 5 and 6. They are chock full of advertising material. Target stores urge you to shop with them. The State of North Carolina encourages you to plan your next holiday in North Carolina.

This past spring, in addition to an American Express cardholder being bombarded with all of this information, American Express cardholders also received this—For Your Information, ''FYI, A Summary of Changes to Agreements and Benefits.'' The summary is 10 pages long.

In addition to the multipage statement of charges, terms, and advertising material, the cardholder received another multipage document with fine-print terms and conditions.

If my colleagues are like me and most Americans, I review the statement of charges for accuracy, look at how much I owe, rip off the bottom portion, stick it and my check in the return envelope, and mail it to American Express. I don't spend a lot of time reading all of the fine-print information about the account or the ad. I certainly would not spend time reading a 10-page summary of changes to my statement. At most, I might scan these other pages and bill stuffers, but I would not spend time reading them in detail.

Let's look at the summary of changes. As I said, it is called, ''FYI, A Summary of Changes to Agreements and Benefits.'' When you look at their summary, there are two things that hit you: The cartoon in the middle and the big letters, ''FYI'' in the upper left side of the first page. FYI, for your information, to me and most Americans means that it contains some information that may be of interest to me but nothing that requires serious thought or action from me. In reality, however, the summary of changes is a complex, fine-print document that almost reads like a legal document. It talks about changes to various privileges of the American Express card membership, American Express Purchase Protection Plan, Buyer's Assurance Plan, Car Rental Loss and Damage Insurance Plan, and Credit Protection Plan.

In addition, the summary contains an arbitration provision on page 2. Even though the document contains changes to the terms of the agreement with the cardholder—it actually changes the contract between the parties—it is simply labeled as an FYI, for your information, document. I find that troubling.

If we take a closer look at the arbitration provision, this arbitration provision is in condensed, fine print, to say the least. It is not exactly easy to read, even though this is an enlarged version of the original. The key clause in this arbitration provision is the following:

> If arbitration is chosen by any party with respect to a claim, neither you nor we will have the right to litigate that claim in court or have a jury trial on that claim.

I will repeat that.

If the cardholder has a dispute with American Express, the cardholder cannot take the claim to court or have a jury trial on the claim. This provision took effect on June 1 of last year. So if you are an American Express cardholder and you have a dispute with American Express, as of June 1999, you can't take your claim to court—even small claims court. You are bound to use arbitration, and you are bound to live with the final arbitration decision.

In this case, you are also bound to use an arbitration organization selected by American Express, the National Arbitration Forum.

Unfortunately, American Express isn't the only credit card company imposing mandatory arbitration on its customers. First USA Bank, the largest issuer of Visa cards, with 58 million customers, has been doing the same thing since 1997.

Here is the bill stuffer distributed by First USA. This is the inside of a folded, one-page insert. As you can see, similar to the American Express summary, this is another fine-print, condensed set of terms and conditions. It covers a wide variety of topics, including information on finance charges, termination and foreign currency transactions. Here in the last column are the three paragraphs on the arbitration provision. The language is similar to the American Express language and states that the cardholders' dispute will be resolved by arbitration. The cardholder will not be able to go to a court to resolve the claim. No ''if's,'' ''and's,'' or ''but's'' about it. Just plain and simple. The cardholder, by virtue of continuing to simply use the First USA card, gives up the right to go to court, even small claims court, to resolve the dispute.

Unfortunately, this problem also extends beyond credit cards. It is also a growing practice in the consumer loan industry. Consumer credit lenders such as Green Tree Consumer Discount

Company are inserting mandatory arbitration clauses in their loan agreement. The problem is these loan agreements are usually adhesion contracts, which means that the consumer must either sign the agreement as is or forego a loan.

In other words, the consumer lacks the bargaining power to have the clause removed. More importantly, when signing on the dotted line of the loan agreement, the consumer may not even understand what mandatory arbitration means. The consumer in all likelihood does not understand that he or she has written away his or her right to go to court to resolve a dispute with the lender.

Arbitration in some ways, of course, is an efficient way to settle disputes. But it has to be entered into knowingly and voluntarily. That is not what is happening in either the consumer loan or credit card industries.

You might say that if consumers are not pleased with being subjected to a mandatory arbitration clause, consumers can cancel their credit card, or not execute on their loan agreement, and they can take their business elsewhere. Unfortunately, that is easier said than done. As I mentioned, First USA Bank, the Nation's largest Visa card issuer, is part of this questionable practice. In fact, the practice is becoming so pervasive that consumers may soon no longer have an alternative unless they forego use of a credit card or a consumer loan entirely. I think that is kind of a hefty price to pay to retain the longstanding right to go to court.

In my opinion, this is a decision that consumers should not be forced to make. Companies such as First USA, American Express, and Green Tree argue that they rely on mandatory arbitration to resolve disputes faster and cheaper than court litigation. The claim may be resolved faster, but is it really cheaper? Is it as fair as a court of law? I don't think so.

Arbitration organizations can charge exorbitant fees to the consumer who brings a dispute—often an initial filing fee plus hourly fees to the arbitrator or arbitrators involved in the case. These costs to consumers can be higher than bringing the matter to small claims court and paying a court filing fee.

For example, the National Arbitration Forum, the arbitration entity of choice for American Express and First USA, the National Arbitration Forum charges fees that are likely greater than if the consumer brought a dispute in small claims court. For a claim of less than $1,000, the National Arbitration Forum charges the consumer a $49 filing fee. In contrast, the consumer could have brought the same claim, in small claims court here in the District of Columbia and would have paid a fee of no more than $10. In other words, the consumer pays a fee to the National Arbitration Forum that is nearly five times more than the fee for filing a claim with small claims court.

That is bad enough, but the National Arbitration Forum's competitors are even worse. The American Arbitration Association charges a $500 filing fee for claims of less than $10,000, or more if the claim exceeds $10,000, and a minimum filing fee of $2,000 if the case involves three or more arbitrators. In addition to the filing fee, they also charge a hearing fee for holding hearings other than the initial hearing—$150 to be paid by each party for each day of hearings before a single arbitrator, for $250 if the hearing is held before an arbitration panel. The International Chamber of Commerce requires a $2,500 administrative fee plus an arbitrator's fee of at least $2,500, if the claim is less than $50,000. These fees are greater if the claim exceeds $50,000. This $5,000 or more fee could very well be greater than the consumer's entire claim. So, as you can see, the consumer's dispute is not resolved more efficiently with arbitration. It is resolved either at greater cost to the consumer or not at all, if the consumer cannot afford the costs, or the costs outweigh the amount in dispute.

The unilateral imposition of mandatory arbitration also raises fairness concerns. As I demonstrated earlier, typical cardholders are not likely to ever notice the arbitration provision. But even if they notice the provision and read the fine print, consumers nevertheless may not understand that their right to court has just been stripped away. So, what we have here is a small number of people who will actually read the bill stuffer and an even smaller number who will understand what it means.

Another problem with mandatory, binding arbitration is that the lender gets to decide in advance who the arbitrator will be. In the case of American Express and First USA, they have chosen the National Arbitration Forum. All credit card disputes with consumers involving American Express or First USA are handled by them. What does this mean? If you think about it, the arbitrator has a financial interest in reaching an outcome that favors the credit card company. If the National Arbitration Forum develops a pattern of reaching decisions that favor the cardholder, wouldn't American Express or First USA strongly consider taking their arbitration business elsewhere? I think there is a very good chance, I would say there is a significant chance that would happen.

There has been one important ruling on the enforceability of mandatory arbitration provisions in credit card agreements. That ruling involved a mandatory arbitration provision announced in mailings to Bank of America credit card and deposit account holders. In a 1998 decision by the California Court of Appeals, which the California Supreme Court refused to review, the court ruled that the mandatory arbitration clauses unilaterally imposed on the Bank's customers were invalid and unenforceable. As a result of that decision, credit card companies in California cannot impose mandatory arbitration in their disputes with customers. In fact, the American Express notice recognizes this fact and notes here at the bottom that the provision will not apply to California residents until further notice from the company. I think that was a wise, well-reasoned decision by the California appellate court, but Americans have no assurance that all courts will reach the same fair and reasonable decision.

My amendment extends the wisdom of the California appellate decision to every credit cardholder and consumer loan borrower in the country. It amends the Federal Arbitration Act to prohibit the unilateral imposition of mandatory, binding arbitration in consumer credit transactions. Let me be clear. I believe that arbitration can be an efficient way to settle disputes. I agree we ought to encourage alternative dispute resolution. But I also believe that arbitration is a fair way to settle disputes only when it is entered into knowingly and voluntarily by both parties to the dispute. My amendment does not prohibit arbitration of consumer credit transactions when entered into voluntarily and knowingly. It merely prohibits binding, mandatory arbitration imposed unilaterally without the consumer's knowledgeable and/or voluntary consent.

Credit card companies and consumer credit lenders are increasingly slamming the courthouse doors shut on consumers, often unbeknownst to them. This is grossly unjust. Let's restore fairness to the resolution of consumer credit disputes.

At some point I hope that my colleagues will join me in keeping the doors to the courthouse open to all American credit card users and consumer credit borrowers. At this time, however, I will not push for a vote on this issue. I have agreed to withdraw this amendment with the understanding from my friend from Iowa, Senator GRASSLEY, the manager of this bill and the chair of the Judiciary Subcommittee on Administrative Oversight and the Courts, that the issue of mandatory arbitration in consumer credit agreements will be part of a hearing to be held in the Courts Subcommittee on March 1. That hearing will address the Federal Arbitration Act and the problem of mandatory arbitration clauses inserted in contracts unilaterally. I appreciate Senator GRASSLEY's leadership and cooperation in reaching this accommodation. I look forward to working with him on this issue, as well as the broader issue of the growing, problematic trend of the unilateral imposition of mandatory arbitration in a variety of contracts.

I admire the leadership of the Senator on the overall issue in addition to the fact it has come up and is a serious problem in the consumer credit agreement area.

Mr. GRASSLEY addressed the Chair.

AMENDMENT NO. 2747 WITHDRAWN

Mr. FEINGOLD. Madam President, I withdraw the amendment and yield the floor.

The PRESIDING OFFICER. Without objection, the amendment is withdrawn.

The Senator from Iowa is recognized.

Mr. GRASSLEY. Madam President, I have had a chance to discuss this issue with the Senator from Wisconsin over a long period of time, both at the subcommittee level, the committee level, and during floor action on this bill which has been going on now since last October, with a long interim for a holiday break.

I appreciate what the Senator from Wisconsin is trying to do. We have joined together on a bill dealing with one aspect of this problem and that happens to be a bill which deals with arbitration in the automobile industry. As the lead Member of the Senate on alternative dispute resolution issues, I certainly do not want alternative dispute resolution to be used in unfair ways. So following up on the request of the Senator from Wisconsin that if we could make some sort of arrangement for his not offering his amendment at this time—and he has withdrawn it—I have scheduled a hearing in my judiciary subcommittee on our bill. I hope to air some of these other problems the Senator has raised.

I do have a great deal of sympathy for what the Senator from Wisconsin is attempting, but I think more groundwork needs to be done so we all have a better understanding of these issues before moving ahead at this time.

The bottom line, I say to the Senator from Wisconsin—and I hope he will answer yes or no—is that I wish to make sure he is working with us between now and our hearing so every commitment I have made in regard to his offering or not offering his arbitration amendment to this bill at this time is to his satisfaction.

Mr. FEINGOLD. Madam President, it is very much to my satisfaction. I am delighted to know we are going to look at a variety of contexts at this hearing, including this one with the credit card companies but also the one my colleague and I have had so much interest in regarding motor vehicles and also the employment discrimination area. To me, although I would be pleased to have this amendment on this bill, I think that is a good opportunity to point out the overall problem we have had, what my colleague described as the possibility arbitration would be used in a way that neither of us would like, that it would somehow become a method of unfairness instead of what we both hope, which is a way to resolve disputes more efficiently or economically, sometimes, than when you go to court. I think it is an excellent idea.

I look forward to working with the chairman in preparation for the hearing. I think it is a good way to work out all these issues, and, again, I thank the Senator from Iowa for being very easy to work with on this and being very serious about getting something done.

Mr. SARBANES. Madam President, I express my appreciation to the managers of the bankruptcy bill, Senators LEAHY, TORRICELLI, GRASSLEY, and HATCH, for accepting and including an amendment I had planned to offer on the floor as part of the managers' amendment to S. 625. My amendment requires that a simple yet important disclosure be made on credit card bills to help protect consumers.

During the bankruptcy reform debate in the last Congress, the Senate examined whether the increased rate of consumer bankruptcies in the Nation resulted solely from consumers' access to an excessively permissive bankruptcy process, or whether other factors also contributed to this increase. Ultimately we concluded that the record increase in bankruptcy filings across the nation was due not only to the ease with which one can enter the bankruptcy system, but also to the unparalleled levels of consumer debt—especially credit card debt—being run up across the country. As Senator DURBIN noted, and as the CBO, FDIC, and numerous economists have found, the rate of increase in bankruptcy filings paralleled the rate of increase in consumer debt.

This is not a coincidence. Rather, increased bankruptcies proceed directly from the fact that Americans are bombarded daily by credit card solicitations that promise easy access to credit without informing their targets of the implications of signing up for such credit.

During our debate in the last Congress, the Senate also concluded that irresponsible borrowing could be reduced, and many bankruptcies averted, if Americans were provided with some basic information in their credit card materials regarding the consequences of assuming greater debt. A consensus emerged that credit card companies have some affirmative obligation to provide such information to consumers in their solicitations, monthly statements, and purchasing materials, in light of their aggressive pursuit of less and less knowledgeable borrowers.

As a result of this consensus, the Senate's bankruptcy bill in the last Congress—S. 1301—contained several provisions in the managers' amendment addressing credit card debt, and requiring specific disclosures by credit card companies in their payment and solicitation materials. These provisions, which I sponsored along with Senators DODD and DURBIN, were vital to the Senate's success in adopting balanced bankruptcy reform legislation by the overwhelming margin of 97–1.

Unfortunately, the House-Senate conference committee struck these disclosure provisions from its final conference report, leaving the bankruptcy bill again a one-sided document that failed to account for the role credit card companies play in the accumulation of credit card debt and in increased consumer bankruptcy rates. As a result of the conference committee's actions, the conference report died in the waning days of the 105th Congress.

As we again debate bankruptcy legislation, it remains my firm belief that Congress must address both sides of the consumer bankruptcy equation—both the flaws in the bankruptcy system that make it easy for people to declare bankruptcy even if they have the ability to pay their debts, and the lending practices that encourage people with limited financial resources to accumulate debts that are beyond their ability to repay.

Last year, the Senate adopted an amendment to S. 625 that requires credit card issuers to give customers on their billing statements three disclosures: (1) warning that paying just the minimum monthly amount will increase the interest they pay and the time it takes to repay their balances; (2) a generic example; and (3) a toll-free number a customer can call for an estimate of how long he or she has to pay the minimum payment and the total payment to pay off his balance. However, the amendment contained an exception for certain credit card issuers that provide actual, instead of estimated, payment information. Such a credit card issuer would not have to disclose the warning, an example, or even the telephone number. This situation subverted the purpose of this section and distorted the balance contained in the original amendment.

My amendment would restore this balance by requiring some disclosures to be given by certain credit card issuers that have a toll-free number for informing customers of the actual number of months it takes to repay outstanding balances using minimum monthly payments requirement. It requires such credit card issuers to make two disclosures: (1) the telephone number and (2) a warning. My amendment requires the credit card bill to contain the statement, ''Minimum Payment Warning: Making only the minimum payment will increase the interest you pay and the time it takes to repay your balance. For more information, call this toll-free number: .''

If we are going to make it harder for individuals to file for bankruptcy, we need to make certain that they are informed about their credit decisions. The minimal warning contained in my amendment helps credit card customers who pay the minimum monthly amount on their credit card bills better understand how long it will take and how much they will pay to work off the balance. The Financial Literacy Center has calculated that a consumer who, for example, has a $5,000 loan balance outstanding on which 17% interest is charged and who is paying 2% of the balance each month, will take 50 years to pay off the entire loan and end up paying $33,447. That is a very long time and a significant burden that, with the disclosures in my amendment, debtors will be able to better appreciate.

My amendment helps consumers get important information that will enable them to analyze how to manage their credit card borrowing more effectively.

MORNING BUSINESS

Mr. GRASSLEY. Madam President, on behalf of the majority leader, I ask unanimous consent that there be a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL BIOTECHNOLOGY MONTH

Mr. HATCH. Madam President, as we come to the end of the first month of the new millennium, I want to make a few remarks about the great promise of biotechnology in benefitting the American public. In fact, January 2000 has been very appropriately designated as Biotechnology Month.

In my view, this first century of the new millennium will be remembered by historians for revolutionary advances in biomedical research. It is fitting that in the next few months scientists will complete the mapping of the human genome—the basic blueprint of the structure of human beings. This event ranks very high in the technological achievements of mankind.

It is also noteworthy that this task required the confluence of some of the best minds in the medical sciences and computer technology. Frankly, the mapping of the human genome simply would not have been possible at this time absent the development of the low-cost, high-speed computers that have been available to scientists in recent years. Over the next few decades perhaps no more valuable cargo will travel down the information highway of the Internet than the gene maps.

This new knowledge will not sit idly in digital databases. For once the detailed genetic structure is known and accessible, researchers will be better able to understand the function of individual genes and complex interactions among collections of genes. Once both structure and function are ascertained, diagnostic tools, therapeutic agents and preventives such as vaccines can be more easily developed. It is the American public who stands to benefit most from this new knowledge and products.

It would be difficult to underestimate the effect that biotechnology will have on health care delivery and, more to the point, on the health status of the American public and our neighbors throughout the world. In the area of cancer, for example, we are positioned to make substantial gains in knowledge that will make traditional treatments obsolete. I am pleased that the University of Utah and Myriad Genetics, a small Salt Lake City biotech firm, are at the forefront of the battle against breast cancer. Their work on the BRCA–I gene has contributed substantially to our understanding of how this terrible disease is triggered genetically. All of us wish success to these Utah scientists and their colleagues throughout the world in their efforts to curtail breast cancer.

Advances in biotechnology will also emanate from the medical device industry. For example, Paradigm Medical Industries, another Salt Lake City firm, is refining existing laser technology in order to develop a new ''cold'' laser that promises to reduce the adverse reactions rate associated with cataract surgery. While I may not be expert in all the scientific underpinnings of this new photon phacoemulsification system, I can say that since over 3 million cataract procedures are performed annually it is in the interest of the public to cut down on the current corneal burn rate of about 1,000 per day.

As a representative of the people of Utah, I am proud to report that my state is home to over 120 companies in the biosciences. These firms employ over 11,000 Utahns and an additional 2,500 individuals outside of Utah. Total annual revenues of these Utah bioscience firms is in excess of $1.6 billion. The aggregate estimated market value of these firms exceeds $8 billion.

The success of Utah in the exciting arena of biotechnology has been facilitated by the efforts the Utah Life Science Association—ULSA—and the State of Utah's Division of Business and Economic Development. I must commend the leadership of Governor Leavitt and Brian Moss of ULSA for their tireless efforts to promote the expansion of Utah's biotechnology sector.

Utah is certainly not alone in its activity in biotechnology. Nationally, there are over 1300 biotech companies. Collectively, these firms employ over 150,000 people. The biotechnology industry accounts for over $10 billion in research and discovery activities annually and revenues of over $18 billion.

Frankly, despite this impressive record of success, we have only scratched the surface of the future promise of this industry. About 90 biotechnology products have been approved by the Food and Drug Administration. More telling of the growing strength of this industry is the fact that over 350 biotechnology products are in late stage clinical trials. As these products move to the FDA approval stage, it seems foreseeable that in the next few years this research intensive sector, which recorded a net loss of $5 billion in 1998, will move into and stay in the black.

As Chairman of the Judiciary Committee and as a Senator with a long time interest in health care, I can assure my colleagues that I will do all in my power to ensure that our intellectual property laws are structured in a way to help assure that the promising work in biotechnology laboratories can be delivered to the bedside of American patients in a fair and expeditious manner. To meet the goal of delivering new therapies to the patients, we must also work to ensure that the FDA regulatory system promptly and consistently renders judgments based on science and that the laws affecting international trade do not result in unnecessary barriers to delivering these new breakthroughs worldwide.

In closing, I think it only fitting that the Senate has taken special note of the almost limitless frontier of biotechnology at the dawn of a new century and new millennium.

Ms. MIKULSKI. Madam President, I rise today in commemoration of January 2000, as National Biotechnology Month. In November, the Senate passed a resolution designating January 2000 as National Biotechnology Month.

Biotechnology is changing the face of medicine. The United States leads the world in biotechnology innovation. Approximately 1,300 biotech companies in this country employ more than 150,000 people. Biotech companies are on the cutting edge—working to develop innovative life-saving drugs and vaccines. The industry spent nearly $10 billion on research and development in 1998 while revenues totaled $18.4 billion. Product sales topped $13 billion. The industry recorded a net loss of $5 billion.

I'm proud that Maryland is home to over 200 biotechnology companies. Companies in Maryland are working to map the human genome and develop drugs to treat Alzheimer's, Parkinson's Disease, and diabetes. Biotechnology has grown in Maryland, in part because Maryland is a place for great medical innovations. Maryland is home to the ''golden triangle''—private sector biotech companies, federal research laboratories, and universities. Maryland houses the National Institutes of Health (NIH), the Food and Drug Administration (FDA), other federal labs, outstanding academic research institutions such as Johns Hopkins University and the University of Maryland, and a growing number of biotech companies. The combination of these public and private sector entities creates a unique environment for research and new ideas to flourish.

Biotech companies will likely have an increasingly important role in providing medicines in the 21st century. The number of biotechnology drug approvals is increasing. More than 350 biotechnology medicines are already in late-stage clinical trials for heart ailments, cancer, and neurological diseases and infections. Some of these drugs will likely lead the way to improved health and well-being for millions of Americans. I salute the biotechnology companies in Maryland and across the country as they work to improve the lives of patients everywhere.

Mr. CRAIG. Madam President, I rise today on behalf of myself and my colleague Senator HARRY REID, and Senators ASHCROFT, BENNETT, BREAUX, CRAPO, GRASSLEY, MURRAY, ROBERTS, ROBB, and SARBANES to recognize January 2000 as National Biotechnology Month.

It is fitting that in the first month of this new year, at the start of a new century, we look to biotechnology as our greatest hope for the future.

Mapping the human genome, for example, is ahead of schedule and nearly complete. That achievement, begun 10 years ago, will rank as one of the most significant advances in health care by accelerating the biotechnology industry's discovery of new therapies and cures for our most life-threatening diseases.

Biotechnology not only is using genetic research to create new medicines, but also to improve agriculture, industrial manufacturing and environmental management.

The United States leads the world in biotechnology innovation. There are approximately 1,300 biotech companies in the United States, employing more than 150,000 people. The industry spent nearly $10 billion on research and development in 1998. Although revenues totaled $18.4 billion, the industry recorded a net loss of $5 billion because of the expensive nature of drug development.

In 1999, the U.S. Food and Drug Administration (FDA) approved more than 20 biotechnology drugs, vaccines and new indications for existing medicines, pushing the number of marketed biotech drugs and vaccines to more than 90. Total FDA biotech approvals from 1982 through 1999 reach more than 140 when adding clearances for new indications of existing medicines. The vast majority of new biotech drugs were approved in the second half of the 1990s, demonstrating the biotechnology industry's surging proficiency at finding new medicines to treat our most life-threatening illnesses.

Biotechnology is revolutionizing every facet of medicine from diagnosis to treatment of all diseases. It is detailing life at the molecular level and someday will take much of the guesswork out of disease management and treatment. The implications for health care are as great as any milestone in medical history. We expect to see great strides early in this century.

A devastating disease that has stolen many of our loved ones, neighbors and friends is cancer. Biotechnology already has made significant strides in battling certain cancers. This is only the beginning.

The first biotechnology cancer medicines have been used with surgery, chemotherapy and radiation to enhance their effectiveness, lessen adverse effects and reduce chances of cancer recurrence.

Newer biotech cancer drugs target the underlying molecular causes of the disease. Biotech cancer treatments under development, such as vaccines that prevent abnormal cell growth, may make traditional treatments obsolete. In addition, gene therapy is being studied as a way to battle cancer by starving tumor cells to death.

Many biotech drugs are designed to treat our most devastating and intractable illnesses. In many cases these medicines are the first ever therapies for those diseases. For example, advancements in research have yielded first-of-a-kind drugs to treat multiple sclerosis and rheumatoid arthritis as well as cancer.

Other medicines in clinical trials block the start of the molecular cascade that triggers inflammation's tissue damaging effects in numerous disease states. In diseases, such as Alzheimer's, Parkinson's and Huntington's, clinical trials are under way to test a variety of cell therapies that generate healthy neurons to replace deteriorated ones. Recent breakthroughs in stem cell research have prompted experts to predict cures within 10 years for some diseases, such as Type I (Juvenile) Diabetes and Parkinson's.

With more than 350 biotechnology medicines in late-stage clinical trials for illnesses, such as heart ailments, cancer, neurological diseases and infections, biotechnology innovation will be the foundation not only for improving our health and quality of life, but also lowering health care costs.

In the past 2 years Congress has increased funding for the National Institutes of Health's basic research programs by 15 percent per year. We are 40 percent of the way toward doubling the NIH budget. Health-care research, however, is not one-sided. The public funds we provide are for basic research. The private sector takes this basic science and then spends many times more than what the government has contributed to create new drugs and get them to patients. In today's world, biotechnology companies are among the greatest innovators and risk takers.

Biotechnology also is being used to improve agriculture, industrial manufacturing and environmental management. In manufacturing, the emphasis has shifted from the removal of toxic chemicals in production waste streams to replacement of those pollutants with biological processes that prevent the environment from being fouled. And because these biological processes are derived from renewable sources they also conserve a traditional energy resource. Industrial biotechnology companies are the innovators commercializing clean technologies and their progress is accelerating at an astonishing rate.

In agricultural biotechnology, crops on the market have been modified to protect them from insect damage thus reducing pesticide use. Biotech crops that are herbicide tolerant enable farmers to control weeds without damaging the crops. This allows farmers flexibility in weed management and promotes conservation tillage. Other biotech crops are protected against viral disease with the plant equivalent of a vaccine.

The number of acres worldwide planted with biotech crops soared from 4.3 million in 1996 to 100 million in 1999, of which 81 million acres were planted in the United States and Canada. Acceptance of these crops by farmers is one indication of the benefits they have for reducing farming costs and use of pesticides while increasing crop yields.

Biotech crops in development include foods that will offer increased levels of nutrients and vitamins. Benefits range from helping developing nations meet basic dietary requirements to creating disease-fighting and health-promoting foods.

Biotechnology is improving the lives of those in the U.S. and abroad. The designation of January 2000 as National Biotechnology Month is an indication to our constituents and their children that Congress recognizes the value and the promise of this technology. Biotechnology is a big word that means hope.

Mr. HARKIN. Madam President, I am pleased to join my Senate colleagues in recognizing January as National Biotechnology Month. At the dawn of this new century, it is fitting for us to recognize the promise and potential of biotechnology.

With the mapping of the human genome, we are on the brink of critical advances in health care and medical discovery. These advances can become new cures and new treatments, new industrial products, and improved agricultural products. Biotechnology is changing medical practice from the way diseases are diagnosed to the way they are treated. By helping us to understand life at the molecular level, biotechnology can help eliminate the guesswork of disease management and treatment.

Biotechnology researchers have already made dramatic strides in confronting some of our most devastating and tragic diseases, from cancer to multiple sclerosis to Alzheimers. Recent breakthroughs in human embryonic stem cell research have given us cause to predict cures for diseases such as Parkinsons, juvenile diabetes and spinal cord injury.

As Ranking Member of the Labor, Health and Human Services and Education Appropriations subcommittee, I have been a long-time advocate for health research. Last year, ARLEN SPECTER and I took the lead in providing the National Institutes of Health (NIH) with a $2.3 billion increase, the largest in NIH history, bringing the agency's overall budget to $17.9 billion. This year, we plan to introduce a resolution calling for a $2.7 billion increase—keeping our commitment to double NIH funding over five years.

NIH provides funding for the basic science that underpins the important research and development done by the biotechnology industry. This strong public-private partnership has made our country the world leader in the area of biotechnology innovation. There are approximately 1300 biotech companies in the United States, employing more than 150,000 people. In my own state of Iowa, we have approximately 180 companies, with more than

10,000 employees. In 1999, the Food and Drug Administration approved 22 biotechnology drugs, vaccines and new indications for existing medicines. We currently have more than 90 biotech drugs and vaccines on the U.S. market. And I know this is only the beginning.

In addition to its medical applications, biotechnology offers many exciting possibilities in the field of agriculture as well. Through biotechnology scientists are already developing new varieties and strains of plants and animals that will help to solve myriad problems and challenges relating to agriculture. The results of advances in agricultural biotechnology, impressive as they already are, represent merely the infancy of this promising scientific field.

The fact that over 800 million of our fellow citizens on this planet suffer from hunger or undernourishment points to the tremendous challenge we face to produce enough food for an ever growing population. As it has in the past, biotechnology will contribute tremendously to meeting that challenge, through increased yields and production, improved productive efficiency and enhanced suitability for difficult environments. Developing new plant varieties that are more tolerant of drought or soil salinity would help to increase food production in areas of the world where people are now going hungry.

Biotechnology also promises to help solve environmental challenges in agriculture. For example, plants that are inherently resistant to diseases or insects reduce the amount of pesticides that would otherwise be applied and enter the environment. Biotechnology can also help to reduce the amount of tillage that is needed, thereby reducing energy consumption and soil erosion.

Thus far biotechnology has been applied for the most part at the level of the farm, and has not been perceived by consumers as directly benefitting them to a significant degree. That is about to change. We are already seeing the development of new strains of plants that have specific traits to improve the nutritional quality of foods derived from them. Work at Iowa State University, for example, has developed soybeans that produce a soybean oil with lower saturated fat than conventional soybeans. We are not far from having rice that contains Vitamin A, which would alleviate a great deal of human suffering in developing countries.

Perhaps the most fascinating area of biotechnology involves the potential for developing new crops and livestock designed to produce a variety of raw materials and substances, likely to be of high value, for use in very specific applications, including medicine. We can produce from plants everything we now rely on petroleum to produce: energy and industrial raw materials for a wide range of products. I believe there will be real economic opportunities for farmers in producing these higher value crops and animals, and for rural communities in processing them.

To be sure, if agricultural biotechnology is to meet its potential, we must ensure that all questions about its safety for consumers and for the environment are fully answered. I believe that those questions can and will be answered satisfactorily, using the best sound science available.

Mrs. FEINSTEIN. Madam President, as January 2000, National Biotechnology Month, comes to a close, I want to recognize the importance of the biotechnology to the nation and to commend this industry for its innovations in disease diagnosis, treatment, and prevention.

The United States is the leader in the biotechnology industry, and I am proud to say that California has the nation's largest concentration of health care technology companies. California, alone, is home to over 2,500 biomedical companies and employs over 241,000 people in health care technology and biomedical and clinical research fields. California's health care technology companies are producing leading edge products, for example, the first new therapy for cystic fibrosis in 30 years, Genetech; technology that enables doctors to do heart surgery without opening the chest cavity, Heartport; a cancer drug that is genetically engineered and stimulates the bone marrow to produce important white blood cells, Amgen; linear accelerators for treating cancer, Varian; and intraocular eye lenses, Allergan.

Biotechnology has enabled us to reduce hospital stays, to detect cancer and other life-threatening illnesses earlier in order to begin treatments earlier; to attack diseases cell by cell to eliminate unnecessary side effects, and to use vaccines to prevent abnormal cell growth. This is a critical time in biotechnology, as scientists continue to make strides in cellular and genetic research, and I am hopeful that this work will improve our health and well-being. I am confident that as this industry continues to grow, we will see treatments to greatly improve the lives of millions of Americans, and we will see cures to illnesses that we did not think were possible.

I commend the more than 150,000 employees of the biotech industry nationwide and join them in observing January as National Biotechnology Month.

Mr. WYDEN. Madam President, I rise today in recognition of National Biotechnology Month. Biotechnology has produced drugs that hold the promise for many to live healthier lives. Biotechnology also holds enormous promise to make even more profound contributions to public health in the future.

For example, biotechnology strategies include the development of cancer vaccines as well as drugs that target specific cancer antigens to stimulate a patient's own immune system to kill tumor cells. There are so many other diseases that devastate families, like Alzheimers and heart disease, which biotechnology could be applied to successfully.

The Federal government has increased funding for basic scientific research. Private sector investments and small business development should also be encouraged. As remarkable as some of its achievement so far, biotechnology is only beginning. It is appropriate to begin the 21st Century with National Biotechnology Month because biotechnology holds so much promise for medicine and improving the quality of life.

SUPER BOWL CHAMPION, ST. LOUIS RAMS

Mr. FITZGERALD. Madam President, it is with great pride that I rise today with my distinguished colleagues to express my sincere congratulations to the Super Bowl XXXIV Champion St. Louis Rams. In the aftermath of a heart-stopping NFC division victory over the Tampa Bay Buccaneers and an outstanding regular season record of 13 wins and 3 losses, the St. Louis Rams increased their intensity to win Super Bowl XXXIV, bringing home the most prized possession in the National Football League, the Lombardi Trophy. In an extraordinary effort and show of heart, the Rams countered the incredible second-half push by the Tennessee Titans in a game that more than lived up to its billing of ''Super'' and made history on Sunday, January 30, 2000, by pulling out a thrilling victory by the score of 23–16, becoming the Super Bowl XXXIV Champions.

This was Coach Dick Vermeil's third year as head coach of the Rams. Coach Vermeil previously led the Philadelphia Eagles to the Super Bowl in 1980, but had been away from coaching for almost 15 years. The passionate 63 year old coach showed he still had the stuff it takes to lead this team of stars to the championship. The fans of professional football have appropriately awarded Coach Vermeil by voting him the Staples Coach of the Year, the only NFL honor determined solely by a vote of the fans.

The three-year path to glory began slowly, with 9 wins and 23 losses over the previous two seasons, including just 4 victories last season, but the team turned it around this year. While the Rams were truly a team that played well together all year, this triumphant season can be attributed to the performance of several key players, including six players that were chosen to start in the Pro Bowl.

Kurt Warner, stepping in as the starter after Trent Green was injured in an early preseason game, enjoyed one of the best years ever for an NFL quarterback, throwing for 4,353 yards, 41 touchdowns and only 13 interceptions, a performance worthy of being awarded the NFL's Most Valuable Player and the Pro Bowl starting quarterback. This remarkable individual, in just his second season in the NFL, was

bagging groceries in Waterloo, Iowa, just five years ago. While setting passing and scoring records in the Arena Football League for 3 seasons and one season in the NFL Europe, he never gave up his dream of playing in the NFL. Last night, he helped to bring the dream of a Super Bowl championship home to St. Louis.

Marshall Faulk, one of the league's premier running backs, set an NFL record this season for combined rushing and receiving yards from the line of scrimmage in a single season with 2,429, in addition to scoring 12 touchdowns. He was also chosen to start in the Pro Bowl.

All season long, the team benefitted from a stellar group of talented receivers, led by Isaac Bruce, who will join his teammates in the Pro Bowl; Torry Holt; Az-zahir Hakim; and Ricky Proehl. Proehl, you may remember, caught a clutch game-winning touchdown in the closing minutes of the Rams' win last week over the Tampa Bay Buccanneers, while Bruce made a truly spectacular play in the fourth-quarter of the Super Bowl by catching a 73 yard touchdown pass that sealed the championship. These stars helped the Rams to establish early on that they were an offensive-minded team, scoring a total of 526 points this season, the third-most in NFL history.

But as the saying goes, ''Defense wins championships,'' and the Rams proved this adage, by leading the NFL in rushing defense, and ranking sixth in the league in overall defense. This season, the Rams' defensive end, Kevin Carter, led the league with 17 quarterback sacks and earned his first start in the Pro Bowl. After only 5 years in the league, this outstanding defender has developed a well-documented work ethic that has helped him achieve more sacks over the past two seasons than anyone else in the league.

We all know that to be champions requires a strong commitment to work harder and be more disciplined than the rest. The Rams' Super Bowl win is a credit to the extraordinary efforts by the entire Rams' organization. After moving to St. Louis in 1995, the management went to work in hiring excellent personnel and a committed coaching staff. This season, the organization's slogan was aptly and accurately versed: ''Gotta go to work!'' With the whole organization working as one cohesive unit and regularly working well beyond the hours of 9 to 5, they showed us just how much can be accomplished when everyone works together for a common goal and is committed to doing more than his or her fair share.

We would be remiss if we overlooked another admirable quality of this fine organization, and that is the commitment to the community. When the Rams relocated to St. Louis in 1995, the team identified community involvement as one of the top priorities. Since that time, many charitable organizations have benefitted from the time and resources of these big-hearted athletes, as various Rams players have dedicated dollars for every touchdown, interception, field goal, sack and more. Some examples of how these stars contribute to the community include:

1. The defensive line—donating $500 for every quarterback sack to a local homeless shelter.

2. Wide receiver Isaac Bruce—donating $500 for every touchdown to Edgewood's Childhaven, an educational center for children with learning disabilities.

3. Running back Marshall Faulk—continuing the ''Marshall Plan'' that began in Indianapolis by donating $2,000 for every touchdown that he scores to the Marshall Faulk Foundation.

4. Quarterback Trent Green—donating $300 for every Rams passing touchdown to the Trent Green Family Foundation.

5. Safety Keith Lyle—donating $500 for every interception to local literacy programs.

6. Kicker Jeff Wilkins—donating $50 for every field goal to Cardinal Glennon Children's Hospital.

7. Tight end Roland Williams—donating $86 for every catch to the Roland Williams Youth Life Line Foundation which supports children in Roland's hometown.

Most of these players have also been successful in receiving matching commitments from local businesses and individuals, helping to foster a true sense of community. In addition, each year, players make countless appearances at local schools, hospitals and youth centers to use their influence with children to stress the importance of education and making proper choices in life.

The hard work and dedication of the Rams to their team and the people of the St. Louis metropolitan area deserves our highest commendations. So, on behalf of myself and the good people of my state of Illinois, I congratulate Coach Dick Vermeil, Super Bowl Most Valuable Player Kurt Warner, Marshall Faulk, Issac Bruce, and the entire St. Louis Rams team on an outstanding performance.

Coach Vermeil, players, and fans: congratulations on a great season and an outstanding victory.

REPEAL OF THE EFFECTIVE CAPITAL GAINS TAX INCREASE IN THE TAX RELIEF EXTENSION ACT OF 1999

Mr. ABRAHAM. Madam President, I rise today to speak in favor of S. 2005 which would repeal the effective capital gains tax increase contained in the Tax Relief Extension Act of 1999. This legislation would protect small business owners from paying taxes on money not actually received.

Overlooked in last year's legislation was a provision that repealed the installment method for accrual method taxpayers when assets or entire businesses are sold. Under this new method, the seller of an asset or business is required to pay taxes on total gains in the first year of the sale, no matter when the actual proceeds are received. S. 2005 would revert this practice to its previous method in which the seller of an asset only paid taxes on the profits from the installment received in that year if he or she should receive payments in increments.

While this tax measure provides for only modest tax revenue, the negative impact on small business owners that this measure affects is quite significant. In effect, this tax increase cripples seller financing of small businesses and prevents thousands of men and women from purchasing small businesses. By potentially reducing the sale price of small businesses by up to 20 percent or more, small business owners will be much less likely to sell their businesses. Larger publicly traded corporations are not impacted as they tend to use other financing methods involving cash or stock transactions. So, this tax increase unfairly targets small business owners already overwhelmed with federal taxes and regulations.

Madam President, it makes common sense that taxes should only be paid when profits are realized—and not on money that will not be collected for years to come. Small businesses are an important provider of new jobs and a driving force in this nation's economy. We must not penalize or restrict such a vibrant source of innovation, invention and creativity that has enabled the United States to realize previously unimaginable prosperity.

I urge my colleagues in the Senate to join me in support of this legislation so essential in the success of this great nation.

MESSAGES FROM THE PRESIDING

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a treaty which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT TO THE CONGRESS ON THE STRATEGIC CONCEPT OF NATO—MESSAGE FROM THE PRESIDENT—PM 79

The Presiding Officer laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Armed Services:

To the Congress of the United States:

Pursuant to the authority vested in me as President of the United States,

including by section 1221(a) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65), I hereby determine and certify that the new NATO Strategic Concept imposes no new commitment or obligation on the United States. Further, in accordance with section 1221(c) of the Act, I transmit herewith the attached unclassified report to the Congress on the potential threats facing the North Atlantic Treaty Organization.

WILLIAM J. CLINTON.

THE WHITE HOUSE, January 31, 2000.

MESSAGE FROM THE HOUSE

At 12:09 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has agreed to the following resolution:

H. RES. 402

Resolved, That the Clerk of the House inform the Senate that a quorum of the House is present and that the House is ready to proceed with business.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–7013. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting pursuant to law, the report of a rule entitled ''Approval of Post-1996 Rate of Progress Plan: Indiana'' (FRL #6523–6), received January 18, 2000; to the Committee on Environment and Public Works.

EC–7014. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting pursuant to law, the report of a rule entitled ''Final Authorization of State Hazardous Waste Management Program Revision'' (FRL #6525–5), received January 18, 2000; to the Committee on Environment and Public Works.

EC–7015. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations'' (FRL #6526–6), received January 18, 2000; to the Committee on Environment and Public Works.

EC–7016. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Amendments for Testing and Monitoring Provisions'' (FRL #6523–6), received January 18, 2000; to the Committee on Environment and Public Works.

EC–7017. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting a report entitled ''Notice of Availability; 1999 Update of Ambient Water Quality Criteria for Ammonia''; to the Committee on Environment and Public Works.

EC–7018. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting a report entitled ''Lead-Based Paint Activities in Target Housing and Child-Occupied Facilities; Commonwealth of Puerto Rico Authorization Application''; to the Committee on Environment and Public Works.

EC–7019. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting a report entitled ''Lead-Based Paint Activities in Target Housing and Child-Occupied Facilities; State of Missouri's Authorization Application''; to the Committee on Environment and Public Works.

EC–7020. A communication from the President, Barry M. Goldwater Scholarship and Excellence In Education Foundation, transmitting, pursuant to law, the 1999 consolidated annual report; to the Committee on Governmental Affairs.

EC–7021. A communication from the President, U.S. Institute of Peace, transmitting, pursuant to law, the consolidated annual report under the Inspector General Act and the Federal Managers' Financial Integrity Act for fiscal years 1997 and 1998; to the Committee on Governmental Affairs.

EC–7022. A communication from the Inspector General, Social Security Administration, transmitting, pursuant to law, a report relative to its commercial activities inventory; to the Committee on Governmental Affairs.

EC–7023. A communication from the Administrator, Environmental Protection Agency, transmitting, pursuant to the Federal Manager's Financial Integrity Act, the annual report for fiscal year 1999; to the Committee on Governmental Affairs.

EC–7024. A communication from the Secretary of Education, transmitting, pursuant to the Federal Manager's Financial Integrity Act, the annual report for fiscal year 1999; to the Committee on Governmental Affairs.

EC–7025. A communication from the Chairman, Federal Maritime Commission , transmitting, pursuant to the Federal Manager's Financial Integrity Act, the annual report for fiscal year 1999; to the Committee on Governmental Affairs.

EC–7026. A communication from the Special Counsel, transmitting, pursuant to the Federal Manager's Financial Integrity Act, the annual report for fiscal year 1999; to the Committee on Governmental Affairs.

EC–7027. A communication from the Chairman, Consumer Product Safety Commission, transmitting, pursuant to the Federal Manager's Financial Integrity Act, the annual report for fiscal year 1999; to the Committee on Governmental Affairs.

EC–7028. A communication from the Chairman, National Endowment for the Arts, transmitting, pursuant to the Federal Manager's Financial Integrity Act, the annual report for fiscal year 1999; to the Committee on Governmental Affairs.

EC–7029. A communication from the Special Counsel, transmitting, pursuant to the Federal Manager's Financial Integrity Act, the annual report for fiscal year 1999; to the Committee on Governmental Affairs.

EC–7030. A communication from the Chairman, and the General Counsel, National Labor Relations Board, transmitting, pursuant to the Federal Manager's Financial Integrity Act, the annual report for fiscal year 1999; to the Committee on Governmental Affairs.

EC–7031. A communication from the Chairman, Commodity Futures Trading Commission, transmitting, pursuant to the Federal Manager's Financial Integrity Act, the annual report for fiscal year 1999; to the Committee on Governmental Affairs.

EC–7032. A communication from the Deputy Director, Federal Mediation and Conciliation Service, transmitting, pursuant to the Federal Manager's Financial Integrity Act, the annual report for fiscal year 1999; to the Committee on Governmental Affairs.

EC–7033. A communication from the Chairwoman, National Mediation Board, transmitting, pursuant to the Federal Manager's Financial Integrity Act, the annual report for fiscal year 1999; to the Committee on Governmental Affairs.

EC–7034. A communication from the Chairman, Federal Communications Commission, transmitting, pursuant to the Federal Manager's Financial Integrity Act, the annual report for fiscal year 1999; to the Committee on Governmental Affairs.

EC–7035. A communication from the Chairman, Defense Nuclear Facilities Safety Board, transmitting, pursuant to the Federal Manager's Financial Integrity Act, the annual report for fiscal year 1999; to the Committee on Governmental Affairs.

EC–7036. A communication from the Secretary of Transportation, transmitting, pursuant to the Federal Manager's Financial Integrity Act, the annual report for fiscal year 1999; to the Committee on Governmental Affairs.

EC–7037. A communication from the Chair, Federal Labor Relations Authority, transmitting, pursuant to the Federal Manager's Financial Integrity Act, the annual report for fiscal year 1999; to the Committee on Governmental Affairs.

EC–7038. A communication from the Archivist, National Archives, transmitting, pursuant to the Federal Manager's Financial Integrity Act, the annual report for fiscal year 1999; to the Committee on Governmental Affairs.

EC–7039. A communication from the Chairman, National Endowment for the Humanities, transmitting, pursuant to the Federal Manager's Financial Integrity Act, the annual report for fiscal year 1999; to the Committee on Governmental Affairs.

EC–7040. A communication from the Director, Office of Federal Housing Enterprise Oversight, transmitting, pursuant to the Federal Manager's Financial Integrity Act, the annual report for fiscal year 1999; to the Committee on Governmental Affairs.

EC–7041. A communication from the Staff Director, Commission on Civil Rights, transmitting, pursuant to the Federal Manager's Financial Integrity Act, the annual report for fiscal year 1999; to the Committee on Governmental Affairs.

EC–7042. A communication from the Board Members, Railroad Retirement Board, transmitting, pursuant to the Federal Manager's Financial Integrity Act, the annual report for fiscal year 1999; to the Committee on Governmental Affairs.

EC–7043. A communication from the Chairman, Securities and Exchange Commission, transmitting, pursuant to the Federal Manager's Financial Integrity Act, the annual report for fiscal year 1999; to the Committee on Governmental Affairs.

EC–7044. A communication from the Chairman, Postal Rate Commission, transmitting, pursuant to the Federal Manager's Financial Integrity Act, the annual report for fiscal year 1999; to the Committee on Governmental Affairs.

EC–7045. A communication from the Independent Counsel, transmitting, pursuant to the Federal Manager's Financial Integrity Act, the annual report for fiscal year 1999; to the Committee on Governmental Affairs.

EC–7046. A communication from the Chairman, Federal Election Commission, transmitting, pursuant to the Federal Manager's

Financial Integrity Act, the annual report for fiscal year 1999; to the Committee on Governmental Affairs.

EC–7047. A communication from the Director, Office of Personnel Management, transmitting, pursuant to the Federal Manager's Financial Integrity Act, the annual report for fiscal year 1999; to the Committee on Governmental Affairs.

EC–7048. A communication from the Chairman, Federal Housing Finance Board, transmitting, pursuant to the Federal Manager's Financial Integrity Act, the annual report for fiscal year 1999; to the Committee on Governmental Affairs.

EC–7049. A communication from the Chairman, Federal Trade Commission, transmitting, pursuant to the Federal Manager's Financial Integrity Act, the annual report for fiscal year 1999; to the Committee on Governmental Affairs.

EC–7050. A communication from the Chairwoman, Equal Employment Opportunity Commission, transmitting, pursuant to the Federal Manager's Financial Integrity Act, the annual report for fiscal year 1999; to the Committee on Governmental Affairs.

EC–7051. A communication from the Under Secretary for Acquisition and Technology, Department of Defense, transmitting, pursuant to law, the quarterly Selected Acquisition Reports as of September 30, 1999; to the Committee on Armed Services.

EC–7052. A communication from the Secretary of Defense, transmitting, pursuant to law, the semi-annual report on audit and investigative activities for the period ending September 30, 1999; to the Committee on Governmental Affairs.

EC–7053. A communication from the Director, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the report of OMB Final Sequestration Report for fiscal year 2000, referred jointly pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986; to the Committees on Appropriations; Agriculture, Nutrition, and Forestry; Armed Services; Banking, Housing, and Urban Affairs; Commerce, Science, and Transportation; Energy and Natural Resources; Environment and Public Works; Finance; Foreign Relations; Governmental Affairs; the Judiciary; Health, Education, Labor, and Pensions; Small Business; Veterans' Affairs; Intelligence; and Rules and Administration.

EC–7054. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Amortization of Intangible Property'' (RIN1545–AS77) (TD 8865), received January 24, 2000; to the Committee on Finance.

EC–7055. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Employee Plans Compliance Resolution System'' (Rev. Proc. 2000–16), received January 24, 2000; to the Committee on Finance.

EC–7056. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Termination of Puerto Rico and Possession Tax Credit; New Lines of Business Prohibited'' (RIN1545–AV68) (TD 8868), received January 24, 2000; to the Committee on Finance.

EC–7057. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Master and Prototype Plan Program'' (Rev. Proc. 2000–20), received January 24, 2000; to the Committee on Finance.

EC–7058. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Weighted Average Interest Rate Update'' (RIN1545–AS77) (TD 8865), received January 24, 2000; to the Committee on Finance.

EC–7059. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Stock Transfer Rules'' (RIN1545–AX64) (TD 8863), received January 24, 2000; to the Committee on Finance.

EC–7060. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Stock Transfer Rules'' (RIN1545–AI32) (TD 8862), received January 24, 2000; to the Committee on Finance.

EC–7061. A communication from the Chief Counsel, Bureau of the Public Debt, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Final Rule to Amend 31 CFR Part 317 to Permit Non-Federally Chartered Credit Unions to Serve as Issuing Agents for United States Savings Bonds'', received January 24, 2000; to the Committee on Finance.

EC–7062. A communication from the Administrator, Federal Aviation Administration, and the Administrator, National Aeronautics and Space Administration, transmitting, pursuant to law, a report relative to Subsonic Noise Reduction Technology; to the Committee on Commerce, Science, and Transportation.

EC–7063. A communication from the Attorney-Adviser, National Highway Traffic Safety Administration, Department of Transportation transmitting, pursuant to law, the report of a rule entitled ''Federal Motor Vehicle Safety Standards; Roof Crush Resistance. Final Rule, Partial Response to Petitions for Reconsideration; Technical Amendment'' (RIN2127–AH74), received January 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7064. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission transmitting, pursuant to law, the report of a rule entitled ''Amendment of Parts 21 and 74 to Enable Multipoint Distribution Service and Instructional Television Fixed Service Licenses to Engage in Two-Way Transmissions'' (MM Docket 97–217) (FCC 99–178), received January 28, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7065. A communication from the Senior Attorney, Common Carrier Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''In the Matter of Petition for Declaration Ruling and Request for Expedited Action on the July 15, 1997 Order of the Pennsylvania Public Utility Commission Regarding Area Codes 412, 610, 215, and 717'' (FCC 98–2224) (CC Doc. 96–98), received January 28, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7066. A communication from the Deputy Assistant Administrator for Weather Services, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Collaborative Science, Technology, and Applied Research (CSTAR) Program'' (RIN0648–ZA76), received January 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7067. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations: Ambassador Construction Fireworks, Hudson River, Anchorage Channel (CGD01–99–180)'' (RIN2115–AA97) (1999–0074), received January 4, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7068. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations: Fireworks Display, Willamette River, Portland, OR (CGD13–99–046)'' (RIN2115–AA97) (1999–0073), received January 4 , 2000; to the Committee on Commerce, Science, and Transportation.

EC–7069. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations: Lake Erie-Maumee River, OH (CGD09–99–085)'' (RIN2115–AA97) (1999–0072), received January 4, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7070. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Regulated Navigation Areas; Eagle Harbor, Bainbridge Island, WA (CGD13–98–004)'' (RIN2115–AE84) (1999–0006), received January 4, 2000; to the Committee on Commerce, Science, and Transportation.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and second time by unanimous consent, and referred as indicated:

By Mr. SARBANES:

S. 2014. A bill to provide technical corrections to chapter 1513 of title 36, United States Code, relating to the National Fallen Firefighters Foundation; to the Committee on Commerce, Science, and Transportation.

By Mr. SPECTER (for himself and Mr. HARKIN):

S. 2015. A bill to amend the Public Health Service Act to provide for research with respect to human embryonic stem cells; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DOMENICI:

S. 2016. A bill to authorize appropriations for, and to improve the operation of, the Nuclear Regulatory Commission, and for other purposes; to the Committee on Environment and Public Works.

By Mr. BUNNING:

S. 2017. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income payments made to tobacco growers pursuant to Phase I or II of the Master Settlement Agreement between a State and tobacco product manufacturers; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. ROBB:

S. Res. 248. A resolution to designate the week of May 7, 2000, as ''National Correctional Officers and Employees Week''; to the Committee on the Judiciary.

By Mr. LOTT (for himself and Mr. DASCHLE):

S. Res. 249. A resolution to authorize testimony, document production, and legal representation in Thomas Dwyer v. City of Pittsburgh, et al; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SPECTER (for himself and Mr. HARKIN):

S. 2015. A bill to amend the Public Health Service Act to provide for research with respect to human embryonic stem cells; to the Committee on Health, Education, Labor, and Pensions.

STEM CELL RESEARCH ACT OF 2000

Mr. SPECTER. Mr. President, I have sought recognition to send to the desk, on behalf of Senator HARKIN and myself, a bill captioned the ''Stem Cell Research Act of 2000.'' It is being introduced after a series of four hearings, which have been conducted in the Appropriations Subcommittee on Labor, Health, Human Services, and Education, which I chair and on which Senator HARKIN is the ranking Democrat.

The subject has been a very important one because approximately 15 months ago, there were disclosures about stem cell research which provided an opportunity for a veritable fountain of youth. The scientific discoveries have found that from the stem cells, new cells may be created which have the potential to cure a great many severe maladies. For example, on Parkinson's disease, stem cells are enormously helpful. There is potential for cures on Alzheimer's, on heart ailments, and really on the whole range of human ailments, illnesses, and diseases.

There has been a limiting factor on the use of stem cells because of a provision, which was inserted many years ago into the appropriations bill for our subcommittee, which limits Federal funding on research relating to stem cells.

The Department of Health and Human Services has handed down a ruling which would permit federal scientists to conduct research on stem cells that have been derived by private sources.

The concern has been that the human embryo, subjected to scientific research, would potentially destroy life. The fact is that the only human embryos which are used as a basis for stem cell research are human embryos from discarded in vitro fertilization clinics. It is not a matter of using a human embryo which has the potentiality for life to extract the stem cells because these are embryos which have been discarded.

Notwithstanding the legal opinion handed down by the general counsel of the Department of Health and Human Services, it is our view that there are still undue restrictions on scientific research from existing law. That is why this legislation has been introduced. It will eliminate the ban on the use of Federal funding for the research on stem cells.

There are a number of very important restrictions.

First, the research would not apply to the creation of human embryos for research purposes.

Second, the research would not result in the cloning of a human being.

Third, it would be unlawful for any person receiving Federal funds to knowingly acquire, receive, or transfer any human embryos for valuable consideration, even if the transfer affected interstate commerce.

These limitations have been engrafted into the legislation to be sure this kind of inappropriate conduct is being prohibited.

The legal opinion issued by the Department of Health and Human Services covers the statutory prohibition on the use of funds, stating that human embryo research would not apply to research utilizing human pluripotent stem cells because such stem cells do not constitute a human embryo. However, applying the Federal funding solely to pluripotent stem cells is not sufficient because there ought to be an opportunity for broader research, as I have suggested.

The controversy on stem cell research is very similar to the controversy which had existed on prohibiting research on fetal tissue when many people advanced the argument that it would induce abortions to secure fetal tissue. It soon became readily apparent that the research on fetal tissue was from discarded fetal tissue and that, in fact, there would not be an inducement of abortions to produce fetal tissue for research purposes. That is very similar, almost identical, except for what is involved with the issue of human embryos. Human embryos which will not be used for research for stem cells where there is any possibility that they might produce life and may be used only from discarded embryos, similarly to the discarded fetal tissue.

When the appropriations bill was considered last fall, a provision was inserted into the committee report which would eliminate the prohibition of use of funds for research on stem cells. When it became apparent that this provision would likely stall the progress of the appropriations bill, an agreement was reached to remove that provision in committee before the bill got to the floor under an arrangement with our distinguished majority leader, Senator LOTT, who agreed to bring up the legislation as a freestanding bill. That is the legislation Senator HARKIN and I are introducing today.

We intend to have an additional hearing within the next several weeks so that the stage will be set by late February or early March to proceed with the schedule of this bill as a freestanding measure and so that the Senate may vote up or down and the House of Representatives may ultimately have an opportunity to vote as well.

Over the past 14 months, the Labor, Health and Human Services and Education Subcommittee which I chair, held four hearings, the latest on November 4, 1999, to discuss the advances in stem cell research made by two research teams. One team, led by Dr. James Thompson at the University of Wisconsin, and the other headed by Dr. John Gearhart at Johns Hopkins University. Stem cell research is one area that holds particular promise for the development of future medical treatment and cures. Stem cells originating in an embryo have the unique ability, for a very limited period of time, to become any cell type of the body. This power, if harnessed by science, could lead to replacement therapies for failing cells, for example, or lead to organ tissues that could be implanted into a patient. Scientists are just beginning preliminary research into the potential practical applications of this line of work. At a Senate hearing convened by my subcommittee on December 2, 1998, Dr. Gearhart testified that he has been able to induce some stem cells to grow into nerve cells. Other scientists also stated that cures for Parkinson's, Alzheimer's, heart disease, diabetes, and other diseases and illnesses that plague mankind could be greatly accelerated by stem cell research. Some scientists, for example, believe that stem cell research could lead to tangible benefits to Parkinson's Disease patients in as soon as 7 to 10 years.

What has been delaying the advancement of this new line of research is a provision in the Labor-HHS appropriations bill that prohibits research on human embryos. On January 15, 1999, the Department of Health and Human Services issued a legal opinion finding that the statutory prohibition of the use of funds appropriated to HHS for human embryo research would not apply to research utilizing human pluripotent stem cells because such cells do not constitute a human embryo. But even this limited use of stem cells may be blocked by those who misunderstand its purpose. According to Dr. Harold Varmus, the former head of the National Institutes of Health, research on stem cells is not the same as research on human embryos. Stem cells do not have the capacity to develop into a human being.

While I applaud the HHS ruling, I do not believe that it goes far enough. To achieve the greatest and swiftest benefits, Federal researchers need their own supply of stem cells. Therefore, I am proposing this legislation to enable Federally-funded researchers to derive their own stem cells from spare embryos obtained from in vitro fertilization clinics. Allowing scientists to conduct human stem cell research would greatly accelerate advances in many avenues of study and, in collaboration with private industry, expedite the production and availability of new drugs and treatments. Enacting such legislation would clarify the boundaries governing Federally-funded researchers and make clear the commitment of this Congress to biomedical research.

Let me review the key provisions of this bill:

It would amend the Public Health Service Act and give permanent authority to the Secretary of Health and

Human Services to conduct, support, or fund research on human embryos only for the purpose of generating stem cells. Human embryonic stem cells may be derived and used in research only from embryos that would otherwise be discarded and donated by in vitro fertilization clinics and only with the written informed consent of the donors.

The Secretary shall issue guidelines governing human stem cell research, including definitions and terms used in such research.

All Federal research protocols and consent forms involving human pluripotent stem cell research shall be reviewed and approved by an institutional review board.

The Secretary shall annually submit to the Congress a report describing the activities carried out under this section during the preceding fiscal year, including whether and to what extent research has been conducted in accordance with this purpose.

The following restrictions would apply:

(A) The research shall not result in the creation of human embryos for research purposes.

(B) The research shall not result in the cloning of a human being.

(C) It shall be unlawful for any person receiving Federal funds to knowingly acquire, receive, or transfer any human embryos for valuable consideration if the transfer affects interstate commerce.

We have heard very compelling testimony from many individuals who are hoping for treatments and cures from stem cell research. One individual, Mr. Richard Pikunis of Malvern, New Jersey, a 27 year-old stricken with Parkinson's Disease, told the Subcommittee how the disease has affected every facet of his young life—from law school graduation to the birth of his son. Dr. Douglas Melton, a prominent professor at Harvard, told of the struggles of his son afflicted with juvenile diabetes. We also heard from Michael J. Fox, who implored us to do more for people with Parkinson's disease. Mr. Fox told of his daily medication routine and progressing physical and mental exhaustion. He asked for the Subcommittee's help to eradicate the disease so that he could dance at his children's weddings. Mr. Fox has just recently announced that he is leaving his popular television series to devote more time to his family and to advocate for more research on finding a cure for Parkinson's disease.

Mr. President, these are just a few of the voices pleading with us to allow this research to move ahead. While stem cell research does not guarantee that a cure will be found, without it the opportunity to halt their suffering may be denied then. The enactment of this legislation as soon as possible could give thousands of individuals a chance to see a cure within their lifetime.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2015

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Stem Cell Research Act of 2000''.

SEC. 2. RESEARCH ON HUMAN EMBRYONIC STEM CELLS.

Part G of the Title IV of the Public Health Service Act (42 U.S.C. 288 et seq.) is amended by inserting after section 498B the following:

''SEC. 498C. RESEARCH ON HUMAN EMBRYONIC STEM CELLS.

''(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary may only conduct, support, or fund research on, or utilizing, human embryos for the purpose of generating embryonic stem cells in accordance with this section.

''(b) SOURCES OF EMBRYONIC CELLS.—For purposes of carrying out research under paragraph (1), the human embryonic stem cells involved shall be derived only from embryos that otherwise would be discarded that have been donated from in-vitro fertilization clinics with the written informed consent of the progenitors.

''(c) RESTRICTIONS.—

''(1) IN GENERAL.—The following restriction shall apply with respect to human embryonic stem cell research conducted or supported under subsection (a):

''(A) The research involved shall not result in the creation of human embryos.

''(B) The research involved shall not result in the reproductive cloning of a human being.

''(2) PROHIBITION.—

''(A) IN GENERAL.—It shall be unlawful for any person receiving Federal funds to knowingly acquire, receive, or otherwise transfer any human gametes or human embryos for valuable consideration if the acquisition, receipt, or transfer affects interstate commerce.

''(B) DEFINITION.—In subparagraph (A), the term 'valuable consideration' does not include reasonable payments associated with transportation, transplantation, processing, preservation, quality control, or storage.

''(d) GUIDELINES.—

''(1) IN GENERAL.—The Secretary, in conjunction with the Director of the National Institutes of Health, shall issue guidelines governing human embryonic stem cell research under this section, including the definitions and terms used for purposes of such research.

''(2) REQUIREMENTS.—The guidelines issued under paragraph (1) shall ensure that—

''(A) all Federal research protocols and consent forms involving human embryonic stem cell research must be reviewed and approved by an institutional review board; and

''(B) the institutional review board is empowered to make a determination as to whether or not the proposed research is in accordance with National Institutes of Health Guidelines for Research Involving Human Pluripotent Stem Cells.

''(e) REPORTING REQUIREMENTS..—Not later than January 1 2001, and each January 1 thereafter, the Secretary shall prepare and submit to the appropriate committees of Congress a report describing the activities carried out under this section during the preceding fiscal year, and including a description of whether and to what extent research under subsection (a) has been conducted in accordance with this section.''.

Mr. HARKIN. Mr. President, I am pleased to join my distinguished colleague, Senator SPECTER, in the introduction of the ''Stem Cell Research Act of 2000.'' I want to commend Senator SPECTER for having the leadership and foresight to introduce legislation which will broaden federally-funded scientists to pursue stem cell research, under certain, limited conditions.

From enabling the development of cell and tissue transplantation, to improving and accelerating pharmaceutical research and development, to increasing our understanding of human development and cancer biology, the potential benefits of stem cell research are truly awe-inspiring.

Stem cells hold hope for countless patients through potentially lifesaving therapies for Parkinson's, Alzheimers, stroke, heart disease and diabetes. Also exciting is the possibility that researchers may be able to alter stem cells genetically so they would avoid attack by the patient's immune system.

But all of these potential benefits could be delayed or even denied to patients without a healthy partnership between the private sector and the federal government.

While market interest in stem cell technology is strong, and private companies will continue to fund this research, the government has an important role to play in supporting the basic and applied science that underpins these technologies. The problem is that early, basic science is always going to be underfunded by the private sector because this type of research does not get products onto the market quickly enough. The only way to ensure that this research is conducted is to allow the NIH to support it.

The Department of Health and Human Services ruled last year that under the current ban on human embryo research, federally-funded scientists can conduct stem cell research if they use cell lines derived from private sources. This is a positive step forward, but it continues to handicap our researchers in the pursuit of cures and therapies that will help our citizens,

Last fall, the National Bioethics Advisory Commission (NBAC) released its final report, ''Ethical Issues in Human Stem Cell Research.'' The Commission concluded that stem cell research should be allowed to go forward with federal support, as long as researchers were limited to only two sources of stem cells: fetal tissue and embryos resulting from infertility treatments. And they recommended that federal support be contingent on an open system of oversight and review.

NBAC also arrived at the important conclusion that it is ethically acceptable for the federal government to finance research that both derives cell lines from embryos and that uses those cell lines. Their report states, ''Relying on cell lines that might be derived exclusively by a subset of privately funded researchers who are interested in

this area could severely limit scientific and clinical progress.''

The Commission goes on to say that ''scientists who conduct basic research and are interested in fundamental cellular processes are likely to make elemental discoveries about the nature of ES [embryonic stem] cells as they derive them in the laboratory.''

NBAC's report presents reasonable guidelines for federal policy. Our bill bans human embryo research, but allows federally-funded scientists to derive human pluripotent stem cells from human embryos if those embryos are obtained from IVF clinics, if the donor has provided informed consent and the embryo was no longer needed for fertility treatments. The American Society of Cell Biology estimates that 100,000 human embryos are currently frozen in IVF clinics, in excess of their clinical need.

In addition, our language requires HHS and NIH to develop procedural and ethical guidelines to make sure that stem cell research is conducted in an ethical, sound manner. As it stands today, stem cell research in the private sector is not subject to federal monitoring or ethical requirements.

Stem cell research holds such hope, such potential for millions of Americans who are sick and in pain, it is morally wrong for us to prevent or delay our world-class scientists from building on the progress that has been made.

As long as this research is conducted in an ethically validated manner, it should be allowed to go forward, and it should receive federal support. That is why Senator SPECTER and I have joined together on legislation that will allow our nation's top scientists to pursue critical cures and therapies for the diseases and chronic conditions which strike too many Americans. I urge my Senate colleagues to join us in supporting this bill.

By Mr. DOMENICI:

S. 2016. A bill to authorize appropriations for, and to improve the operation of, the Nuclear Regulatory Commission, and for other purposes; to the Committee on Environment and Public Works.

THE NUCLEAR REGULATORY COMMISSION AUTHORIZATION AND IMPROVEMENTS ACT OF 2000

Mr. DOMENICI. Mr. President, I rise today to introduce legislation important to the energy security of our country. This legislation entitled the ''Nuclear Regulatory Commission Authorization and Improvements Act of 2000'' not only includes provisions authorizing the annual funding for the Nuclear Regulatory Commission (NRC), but makes essential amendments to the Atomic Energy Act of 1954.

Mr. President, the legislation I am introducing today will assist the NRC in its efforts to achieve greater efficiencies and eliminate outdated restrictions within our nuclear energy sector. As mentioned, this legislation includes several amendments to the Atomic Energy Act, including the following:

Eliminating provisions in current law that preclude any foreign ownership of power and research reactors located in the United States. These outdated provisions are a significant obstacle to foreign investment or participation in the U.S. nuclear power industry and its restructuring. No valid reasons exist to prohibit investors from countries such as the United Kingdom from participating in the ownership of nuclear plants in this country. The provisions in current law that protect U.S. security interests are unchanged by my legislation.

Eliminationg the current statutory requirement that the NRC conduct an antitrust review in connection with licensing actions. Other federal agencies already have comprehensive responsibility to enforce antitrust laws affecting electric utilities. Requiring the NRC to do independent antitrust evaluations for licensing actions is redundant, time-consuming and unnecessary.

Simplifying the hearing requirements in a proceeding involving an amendment to an existing operating license, or the transfer of an existing operating license. The amendment provides that the Commission should not use formal adjudicatory procedures in such cases, but rather should comply with the informal rulemaking requirements contained in the Administrative Procedure Act.

Giving the NRC the authority to establish such requirements it deems necessary to ensure that non-licenses fully comply with their obligations to provide funding for nuclear plant decommissioning. This includes jurisdiction over non-licensees, i.e., those who have transferred their license but retain responsibility for decommissioning.

The proposed package also includes legislative provisions sought by the NRC. The foreign ownership and antitrust review changes just mentioned were included in the NRC's legislative proposals last year. Other provisions requested by the NRC should serve to enhance nuclear safety and physical security, increase efficiency, and enhance the economic use of Commission resources.

These changes are necessary to ensure that nuclear energy remains part of our nation's energy portfolio. Nuclear energy is a vital ingredient for providing U.S. base load capacity based on economic, environmental and electricity needs.

Mr. President, I am sure everyone is aware of my strong commitment to nuclear energy. This conviction is well-founded. One need only consider a few simple facts to find justification for my position.

Ensuring diversity and reliability in our nation's future energy portfolio is a critical national security concern. As just one example, our increasing dependence on imported fossil fuel is a cause for concern. Last year oil imports accounted for 54% of U.S. oil consumption. This dependence could create a national security crisis. This dependence may also contribute to an environmental crisis.

Similarly, although we continue to invest in renewable energy resources, the hard facts demonstrate that renewables alone cannot obtain sufficient energy generation to meet future needs.

An article by Richard Rhodes and Denis Beller in the most recent edition of Foreign Affairs argues the case for nuclear energy in detail. Mr. President, allow me briefly to review some facts found in this article that address some very important questions. These repeat the same points I made in a speech at Harvard in October of 1997 and have made many times since.

First, what estimated energy demands will the world face?

A 1999 report by the British Royal Society and Royal Academy of Engineering estimates that the consumption of energy will at least double in the next 50 years and grow by a factor of up to five in the next century.

The OECD projects 65% growth in world energy demand by 2020.

How can nuclear energy play a role in meeting future energy needs?

The anti-nuclear groups are dead wrong. Nuclear power is neither dead nor dying. France generates 79 percent of its electricity with nuclear power; Belgium, 60 percent; Sweden, 42 percent; Japan 34 percent; and the United States, 20 percent. The United States remains the largest producer of nuclear energy in the world, and the U.S. nuclear industry generated nine percent more nuclear electricity in 1999 than 1998. In order to sustain economic growth, China has plans for as many as 100 nuclear power plants, and South Korea will more than double its capacity by building 16 new plants.

Nuclear power's advantage is the ability to generate a vast amount of energy from a minute quantity of fuel. For example, whereas one kilogram of firewood can produce one kilowatt-hour of electricity and the ratio for oil is one-to-four, one kilogram of uranium fuel in a modern light-water reactor generates 400,000 kilowatts of electricity, even without recycling.

Nuclear safety and efficiency have improved dramatically in the last decade. For example, the average U.S. capacity factor in 1998 was 80 percent, compared to 58 percent in 1980 and 66 percent in 1990. The average production costs for nuclear energy are now at just under two cents per kilowatt-hour, while electricity produced from gas costs almost three and a half cents per kilowatt-hour. Most importantly, radiation exposure to workers and waste produced per unit of energy have hit new lows.

What about the risks from radioactivity?

Good evidence exists that exposure to low doses of radioactivity actually improves health and lengthens life

through stimulation of the immune system. Unfortunately, U.S. standards, in particular those established by the Environmental Protection Agency, rely on a theory—the ''linear no-threshold'' theory (LNT)—that predicts exposure to trivial levels of radiation increases the risk of cancer. One should keep in mind that the levels argued to increase risk of cancer by this model are considerably less than preexisting natural levels of background radiation. Furthermore, this theory is by no means accepted by the entire scientific community.

According to recent studies by the Harvard School of Public Health, a 1,000 megawatt coal-fired power plant releases about 100 times as much radioactivity into the environment as a comparable nuclear plant. However, the same standards for radioactive releases do not apply to coal and nuclear plants. And, experts on coal geology and engineering have concluded that ''radioactive elements in coal and fly ash should not be sources of alarm.''

Can we not place more reliance on renewables?

Even if robustly subsidized, renewables will only move from their present 0.5 percent share to claim no more than five to eight percent by 2020.

The U.S. leads in renewable energy generation, but such production declined by 9.4 percent from 1997 to 1998: hydro by 9.2%, geothermal by 5.4%, wind by 50.5%, and solar by 27.7%.

Are we making smart investments for U.S. energy security?

Federal R&D investment per thousand kilowatt was only five cents for nuclear and coal, 58 cents for oil, and 41 cents for gas; however, it was $4,769 for wind and $17,006 for photovoltaics.

In brief, we need nuclear. Our economic growth and security depend on it. The benefits of nuclear outweigh the risks. Renewables cannot fill the gap—either between today's demands and future needs or today with nuclear and today without. Not only are coal, gas and oil finite resources, but their use is harmful to human health and the environment.

Mr. President, we must not fail to ensure that nuclear is part of our energy mix. Our nation's energy future must include nuclear in order to be sufficiently diverse, reliable and adequate to meet future energy needs.

The legislation I am offering today will help ensure that nuclear remains part of our energy mix.

Deregulation of the electric utility industry increases the need to keep operating costs low enough to be competitive. For this reason, nuclear energy's future rides on decreasing costs of regulation, especially that of the Nuclear Regulatory Commission.

With gentle prodding and some more overt tactics from the Congress, positive changes at the NRC have been forthcoming.

While holding fast to its primary health and safety mission, the NRC needed to move from a traditional deterministic approach to a more risk-informed and performance-based approach to regulation. In brief, the NRC needed to achieve a rapid transition to an entirely different regulatory framework, streamline its processes, and offer clear definitions, standards, and requirements.

Let me briefly highlight two of the milestones of the past year:

Reactor Oversight.—The NRC commenced with a pilot program for the new reactor licensee oversight process. This process will replace the current inspections, assessment and enforcement processes.

Plants will be evaluated in three key areas: reactor safety, radiation safety and security safeguards. Twenty ''performance indicators'' will assess overall performance in each area. Most stakeholders view this as a big step toward more consistent and objective assessments.

The NRC plans full implementation of this inspection regime for all nuclear plants this year.

Licensing Actions.—The NRC continued completion of licensing actions at a rate greater than NRC Performance Plan output measures and continued to reduce the licensing action inventory.

For instance, one indicator of greater efficiency in licensing actions is the age of the inventory. 1999 showed consistent improvements in turnaround time. For fiscal year 1998, the NRC licensing action inventory included 65.6% of licensing actions that were less than 1 year old; 86% that were less than 2 years old; and 95.4% that were less than 3 years old. By October 1999, 95% of the licensing action inventory was less than 1 year old; and 100% was less than two years old.

These are just two examples. With Congress and industry demanding regulatory change, the agency is responding. All elements of change, especially the overall shift from a deterministic to a risk-informed paradigm, remain work-in-progress. I believe, however, the general consensus is that the last couple years have been very positive.

At the same time, the NRC needs our assistance in removing outdated and unnecessary statutory provisions. This legislation will achieve that.

Mr. President, I close with the same thoughts as Richard Rhodes and Denis Beller: ''Nuclear power is environmentally safe, practical, and affordable. It is not the problem—it is one of the best solutions.''

Mr. President, I ask unanimous consent that a copy of the legislation and the Foreign Affairs article entitled ''The Need for Nuclear Power'' by Dr. Rhodes and Dr. Beller be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2016

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Nuclear Regulatory Commission Authorization and Improvements Act of 2000''.

SEC. 2. DEFINITIONS.

Section 11 of the Atomic Energy Act of 1954 (42 U.S.C. 2014) is amended—

(1) in subsection f., by striking ''Atomic Energy Commission'' and inserting ''Nuclear Regulatory Commission''; and

(2) by adding at the end the following:

''(kk) NUCLEAR DECOMMISSIONING OBLIGATION.—The term 'nuclear decommissioning obligation' means an expense incurred to ensure the continued protection of the public from the dangers of any residual radioactivity or other hazards present at a facility at the time the facility is decommissioned, including all costs of actions required under rules, regulations and orders of the Commission for—

''(1) entombing, dismantling and decommissioning a facility; and

''(2) administrative, preparatory, security and radiation monitoring expenses associated with entombing, dismantling, and decommissioning a facility.''.

SEC. 3. OFFICE LOCATION.

Section 23 of the Atomic Energy Act of 1954 (42 U.S.C. 2033) is amended by striking ''; however, the Commission shall maintain an office for the service of process and papers within the District of Columbia''.

SEC. 4. LICENSE PERIOD.

Section 103c. of the Atomic Energy Act of 1954 (42 U.S.C. 2133(c)) is amended—

(1) by striking ''c. Each such'' and inserting the following:

''c. LICENSE PERIOD.—

''(1) IN GENERAL.—Each such''; and

(2) by adding at the end the following:

''(2) COMBINED LICENSES.—In the case of a combined construction and operating license issued under section 185(b), the initial duration of the license may not exceed 40 years from the date on which the Commission finds, before operation of the facility, that the acceptance criteria required by section 185(b) are met.''.

SEC. 5. ELIMINATION OF FOREIGN OWNERSHIP PROHIBITIONS.

(a) COMMERCIAL LICENSES.—Section 103d. of the Atomic Energy Act of 1954 (42 U.S.C. 2133(d)) is amended in the second sentence—

(1) by inserting ''for a production facility'' after ''license''; and

(2) by striking ''any any'' and inserting ''any''.

(b) MEDICAL THERAPY AND RESEARCH AND DEVELOPMENT LICENSES.—Section 104d. of the Atomic Energy Act of 1954 (42 U.S.C. 2134(d)) is amended in the second sentence by inserting ''for a production facility'' after ''license''.

SEC. 6. ELIMINATION OF NRC ANTITRUST REVIEWS.

Section 105 of the Atomic Energy Act of 1954 (42 U.S.C. 2135) is amended by adding at the end the following:

''(d) APPLICABILITY.—Subsection (c) shall not apply to an application for a license to construct or operate a utilization facility under section 103 or 104(b) that is pending on or that is filed on or after the date of enactment of this subsection.''.

SEC. 7. GIFT ACCEPTANCE AUTHORITY.

(a) IN GENERAL.—Section 161g. of the Atomic Energy Act of 1954 (42 U.S.C. 2201(g)) is amended—

(1) by striking ''g.'' and inserting ''(g)(1)'';

(2) by striking ''this Act;'' and inserting ''this Act; or''; and

(3) by adding at the end the following:

''(2) accept, hold, utilize, sell, and administer gifts of real and personal property for the purpose of aiding or facilitating the work of the Commission.''.

(b) NUCLEAR REGULATORY COMMISSION FUND.—

(1) IN GENERAL.—Chapter 14 of title I of the Atomic Energy Act of 1954 (42 U.S.C. 2201 et seq.) is amended by adding at the end the following:

"SEC. 170C. NUCLEAR REGULATORY COMMISSION FUND.

''(a) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be known as the ''Nuclear Regulatory Commission Fund'' (referred to in this section as the 'Fund').

''(b) DEPOSITS IN FUND.—Any gift accepted under section 161g.(2), or net proceeds of the sale of such a gift, shall be deposited in the Fund.

''(c) USE.—

''(1) IN GENERAL.—Amounts in the Fund shall, without further Act of appropriation, be available to the Chairman of the Commission.

''(2) CONSISTENCY WITH GIFT.—Gifts accepted under this section 161g.(2) shall be used as nearly as possible in accordance with the terms of the gift, if those terms are not inconsistent with this section or any other applicable law.

''(d) CRITERIA.—

''(1) IN GENERAL.—The Commission shall establish written criteria for determining whether to accept gifts under section 161g.(2).

''(2) CONSIDERATIONS.—The criteria under paragraph (1) shall take into consideration whether the acceptance of the gift would compromise the integrity of, or the appearance of the integrity of, the Commission or any officer or employee of the Commission.''.

(2) CONFORMING AND TECHNICAL AMENDMENTS.—The table of contents of chapter 14 of title I of the Atomic Energy Act of 1954 (42 U.S.C. prec. 2011) (as amended by section 2(b)) is amended by adding at the end the following:

''Sec. 170B. Uranium supply.
''Sec. 170C. Nuclear Regulatory Commission Fund.''.

SEC. 8. CARRYING OF FIREARMS BY LICENSEE EMPLOYEES.

(a) IN GENERAL.—Chapter 14 of title I of the Atomic Energy Act of 1954 (42 U.S.C. 2201 et seq.) (as amended by section 7(b)(1)) is amended—

(1) in section 161, by striking subsection k. and inserting the following:

''(k) authorize to carry a firearm in the performance of official duties such of its members, officers, and employees, such of the employees of its contractors and subcontractors (at any tier) engaged in the protection of property under the jurisdiction of the United States located at facilities owned by or contracted to the United States or being transported to or from such facilities, and such of the employees of persons licensed or certified by the Commission (including employees of contractors of licensees or certificate holders) engaged in the protection of facilities owned or operated by a Commission licensee or certificate holder that are designated by the Commission or in the protection of property of significance to the common defense and security located at facilities owned or operated by a Commission licensee or certificate holder or being transported to or from such facilities, as the Commission considers necessary in the interest of the common defense and security;'' and

(2) by adding at the end the following:

"SEC. 170D. CARRYING OF FIREARMS.

''(a) AUTHORITY TO MAKE ARREST.—

''(1) IN GENERAL.—A person authorized under section 161k. to carry a firearm may, while in the performance of, and in connection with, official duties, arrest an individual without a warrant for any offense against the United States committed in the presence of the person or for any felony under the laws of the United States if the person has a reasonable ground to believe that the individual has committed or is committing such a felony.

''(2) LIMITATION.—An employee of a contractor or subcontractor or of a Commission licensee or certificate holder (or a contractor of a licensee or certificate holder) authorized to make an arrest under paragraph (1) may make an arrest only—

''(A) when the individual is within, or is in flight directly from, the area in which the offense was committed; and

''(B) in the enforcement of—

''(i) a law regarding the property of the United States in the custody of the Department of Energy, the Commission, or a contractor of the Department of Energy or the Commission or a licensee or certificate holder of the Commission;

''(ii) a law applicable to facilities owned or operated by a Commission licensee or certificate holder that are designated by the Commission under section 161k.;

''(iii) a law applicable to property of significance to the common defense and security that is in the custody of a licensee or certificate holder or a contractor of a licensee or certificate holder of the Commission; or

''(iv) any provision of this Act that subjects an offender to a fine, imprisonment, or both.

''(3) OTHER AUTHORITY.—The arrest authority conferred by this section is in addition to any arrest authority under other law.

''(4) GUIDELINES.—The Secretary and the Commission, with the approval of the Attorney General, shall issue guidelines to implement section 161k. and this subsection.''.

(b) CONFORMING AND TECHNICAL AMENDMENTS.—The table of contents of chapter 14 of title I of the Atomic Energy Act of 1954 (42 U.S.C. prec. 2011) (as amended by section 7(b)(2)) is amended by adding at the end the following:

''Sec. 170D. Carrying of firearms.''.

SEC. 9. COST RECOVERY FROM GOVERNMENT AGENCIES.

Section 161w. of the Atomic Energy Act of 1954 (42 U.S.C. 2201(w)) is amended—

(1) by striking ''or which operates any facility regulated or certified under section 1701 or 1702,'';

(2) by striking ''section 483a of title 31 of the United States Code'' and inserting ''section 9701 of title 31, United States Code,''; and

(3) by inserting before the period at the end the following: ''; and commencing on October 1, 2000, prescribe and collect from any other Government agency, any fee, charge, or price that the Commission may require in accordance with section 9701 of title 31, United States Code, or any other law''.

SEC. 10. HEARING PROCEDURES.

Section 189 a.(1) of the Atomic Energy Act of 1954 (42 U.S.C. 2239(a)(1)) is amended by adding at the end the following:

''(C) HEARINGS.—A hearing under this section shall be conducted using informal adjudicatory procedures established under sections 553 and 555 of title 5, United States Code, unless the Commission determines that formal adjudicatory procedures are necessary—

''(i) to develop a sufficient record; or

''(ii) to achieve fairness.''.

SEC. 11. HEARINGS ON LICENSING OF URANIUM ENRICHMENT FACILITIES.

Section 193(b)(1) of the Atomic Energy Act of 1954 (42 U.S.C. 2243(b)(1)) is amended by striking ''on the record''.

SEC. 12. UNAUTHORIZED INTRODUCTION OF DANGEROUS WEAPONS.

Section 229a. of the Atomic Energy Act of 1954 (42 U.S.C. 2278a(a)) is amended in the first sentence by inserting ''or subject to the licensing authority of the Commission or to certification by the Commission under this Act or any other Act'' before the period at the end.

SEC. 13. SABOTAGE OF NUCLEAR FACILITIES OR FUEL.

Section 236a. of the Atomic Energy Act of 1954 (42 U.S.C. 2284(a)) is amended—

(1) in paragraph (2), by striking ''storage facility'' and inserting ''storage, treatment, or disposal facility'';

(2) in paragraph (3)—

(A) by striking ''such a utilization facility'' and inserting ''a utilization facility licensed under this Act''; and

(B) by striking ''or'' at the end;

(3) in paragraph (4)—

(A) by striking ''facility licensed'' and inserting ''or nuclear fuel fabrication facility licensed or certified''; and

(B) by striking the period at the end and inserting ''; or''; and

(4) by adding at the end the following:

''(5) any production, utilization, waste storage, waste treatment, waste disposal, uranium enrichment, or nuclear fuel fabrication facility subject to licensing or certification under this Act during construction of the facility, if the person knows or reasonably should know that there is a significant possibility that the destruction or damage caused or attempted to be caused could adversely affect public health and safety during the operation of the facility;''.

SEC. 14. NUCLEAR DECOMMISSIONING OBLIGATIONS OF NONLICENSEES.

The Atomic Energy Act of 1954 is amended by inserting after section 241 (42 U.S.C. 2015) the following:

"SEC. 242. NUCLEAR DECOMMISSIONING OBLIGATIONS OF NONLICENSEES.

''(a) DEFINITION OF FACILITY.—In this section, the term 'facility' means a commercial nuclear electric generating facility for which a nuclear decommissioning obligation is incurred.

''(b) DECOMMISSIONING OBLIGATIONS.—After public notice and in accordance with section 181, the Commission shall establish by rule, regulation, or order any requirement that the Commission considers necessary to ensure that a person that is not a licensee (including a former licensee) complies fully with any nuclear decommissioning obligation.''.

SEC. 15. CONTINUATION OF COMMISSIONER SERVICE.

Section 201(c) of the Energy Reorganization Act of 1974 (42 U.S.C. 5841(c)) is amended—

(1) by striking ''(c) Each member'' and inserting the following:

''(c) TERM.—

''(1) IN GENERAL.—Each member''; and

(2) by adding at the end the following:

''(2) CONTINUATION OF SERVICE.—A member of the Commission whose term of office has expired may, subject to the removal power of the President, continue to serve as a member until the member's successor has taken office, except that the member shall not continue to serve beyond the expiration of the next session of Congress after expiration of the fixed term of office.''.

SEC. 16. LIMITATIONS ON ACTIONS RELATING TO SOURCE, BYPRODUCT, AND SPECIAL NUCLEAR MATERIAL.

(a) DEFINITION OF FEDERALLY PERMITTED RELEASE.—Section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601) is amended by striking the period at the end

and inserting '', or any release of such material in accordance with regulations of the Nuclear Regulatory Commission following termination of a license issued by the Commission under the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.) or by a State acting under an agreement entered into under section 274b. of that Act (42 U.S.C. 2021b.).''.

(b) LIMITATION ON ACTIONS.—Section 121(b) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9621(b)) is amended by adding at the end the following:

''(3) LIMITATION ON ACTIONS RELATING TO SOURCE, BYPRODUCT, AND SPECIAL NUCLEAR MATERIAL.—No authority under this Act may be used to commence an administrative or judicial action with respect to source, special nuclear, or byproduct material that is subject to decontamination regulations issued by the Nuclear Regulatory Commission for license termination under the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.) or by a State that has entered into an agreement under section 274b. of that Act (42 U.S.C. 2021b.) unless the action is requested by the Nuclear Regulatory Commission or, in the case of material under the jurisdiction of a State that has entered into such an agreement, the Governor of the State.''.

SEC. 17. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2001.

(a) IN GENERAL.—

(1) SALARIES AND EXPENSES.—There is authorized to be appropriated to the Nuclear Regulatory Commission in accordance with section 261 of the Atomic Energy Act of 1954 (42 U.S.C. 2017) and section 305 of the Energy Reorganization Act of 1974 (42 U.S.C. 5875) $465,400,000 for fiscal year 2001, to remain available until expended, of which $19,150,000 is authorized to be appropriated from the Nuclear Waste Fund established by section 302 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222).

(2) OFFICE OF INSPECTOR GENERAL.—There is authorized to be appropriated to the Office of Inspector General of the Nuclear Regulatory Commission $6,000,000 for fiscal year 2001, to remain available until expended.

(b) ALLOCATION OF AMOUNTS AUTHORIZED.—

(1) IN GENERAL.—The amounts authorized to be appropriated under subsection (a)(1) shall be allocated as follows:

(A) NUCLEAR REACTOR SAFETY.—$210,043,000 shall be used for the Nuclear Reactor Safety Program.

(B) NUCLEAR MATERIALS SAFETY.—$63,881,000 shall be used for the Nuclear Materials Safety Program.

(C) NUCLEAR WASTE SAFETY.—$42,143,000 shall be used for the Nuclear Waste Safety Program.

(D) INTERNATIONAL NUCLEAR SAFETY SUPPORT PROGRAM.—$4,840,000 shall be used for the International Nuclear Safety Support Program.

(E) MANAGEMENT AND SUPPORT PROGRAM.—$144,493,000 shall be used for the Management and Support Program.

(2) LIMITATION.—The Nuclear Regulatory Commission may use not more than 1 percent of the amounts allocated under paragraph (1) to exercise authority under section 31a. of the Atomic Energy Act of 1954 (42 U.S.C. 2051(a)) to make grants and enter into cooperative agreements with organizations such as universities, State and local governments, and not-for-profit institutions.

(3) REALLOCATION.—

(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C), any amount allocated for a fiscal year under any subparagraph of paragraph (1) for the program referred to in that subparagraph may be reallocated by the Nuclear Regulatory Commission for use in a program referred to in any other such subparagraph.

(B) LIMITATION.—

(i) ADVANCE NOTIFICATION.—The amount made available from appropriations for use for any program referred to in any subparagraph of paragraph (1) may not, as a result of a reallocation under subparagraph (A), be increased or decreased by more than $1,000,000 for a quarter unless the Commission provides advance notification of the reallocation to the Committee on Commerce of the House of Representatives and the Committee on Environment and Public Works of the Senate.

(ii) CONTENTS.—A notification under clause (i) shall contain a complete statement of the reallocation to be made and the facts and circumstances relied on in support of the reallocation.

(C) USE OF CERTAIN FUNDS.—Funds authorized to be appropriated from the Nuclear Waste Fund—

(i) may be used only for the high-level nuclear waste activities of the Commission; and

(ii) may not be reallocated for other Commission activities.

(c) LIMITATION.—No authority to make payments under this section shall be effective except to such extent or in such amounts as are provided in advance in appropriation Acts.

SEC. 18. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), this Act and the amendments made by this Act shall be effective on the date of enactment of this Act.

(b) DECOMMISSIONING AND LICENSE REMOVAL.—The amendments made by sections 14 and 16 take effect on the date that is 180 days after the date of enactment of this Act.

[From Foreign Affairs, January-February, 2000]

THE NEED FOR NUCLEAR POWER

(By Richard Rhodes and Denis Beller)

A CLEAN BREAK

The world needs more energy. Energy multiplies human labor, increasing productivity. It builds and lights schools, purifies water, powers farm machinery, drives sewing machines and robot assemblers, stores and moves information. World population is steadily increasing, having passed six billion in 1999. Yet one-third of that number—two billion people—lack access to electricity. Development depends on energy, and the alternative to development is suffering: poverty, disease, and death. Such conditions create instability and the potential for widespread violence. National security therefore requires developed nations to help increase energy production in their more populous developing counterparts. For the sake of safety as well as security, that increased energy supply should come from diverse sources.

''At a global level,'' the British Royal Society and Royal Academy of Engineering estimate in a 1999 report on nuclear energy an climate change, ''we can expect our consumption of energy at least to double in the next 50 years and to grow by a factor of up to five in the next 100 years as the world population increases and as people seek to improve their standards of living.'' Even with vigorous conservation, would energy production would have to triple by 2050 to support consumption at a mere one-third of today's U.S. per capita rate. The International Energy Agency (IEA) of the Organization for Economic Cooperation and Development (OECD) projects 65 percent growth in world energy demand by 2020, two-thirds of that coming from developing countries. ''Given the levels of consumption likely in the future,'' the Royal Society and Royal Academy caution, ''it will be an immense challenge to meet the global demand for energy without unsustainable long-term damage to the environment.'' That damage includes surface and air pollution and global warming.

Most of the world's energy today comes from petroleum (39.5 percent), coal (24.2 percent), natural gas (22.1 percent), hydroelectric power (6.9 percent), and nuclear power (6.3 percent). Although oil and coal still dominate, their market fraction began declining decades ago. Meanwhile, natural gas and nuclear power have steadily increased their share and should continue to do so. Contrary to the assertions of antinuclear organizations, nuclear power is neither dead nor dying. France generates 79 percent of its electricity with nuclear power; Belgium, 60 percent; Sweden, 42 percent; Switzerland, 39 percent; Spain, 37 percent; Japan, 34 percent; the United Kingdom, 21 percent; and the United States (the largest producer of nuclear energy in the world), 20 percent. South Korea and China have announced ambitious plans to expand their nuclear-power capabilities—in the case of South Korea, by building 16 new plants, increasing capacity by more than 100 percent. With 434 operating reactors worldwide, nuclear power is meeting the annual electrical needs of more than a billion people.

In America and around the globe, nuclear safety and efficiency have improved significantly since 1990. In 1998, unit capacity factor (the fraction of a power plant's capacity that it actually generates) for operating reactors reached record levels. The average U.S. capacity factor in 1998 was 80 percent for about 100 reactors, compared to 58 percent in 1980 and 66 percent in 1990. Despite a reduction in the number of power plants, the U.S. nuclear industry generated nine percent more nuclear electricity in 1999 than in 1998. Average production costs for nuclear energy are now just 1.9 cents per kilowatt-hour (kWh), while electricity produced from gas costs 3.4 cents per kWh. Meanwhile, radiation exposure to workers and waste produced per unit of energy have hit new lows.

Because major, complex technologies take more than half a century to spread around the world, natural gas will share the lead in power generation with nuclear power over the next hundred years. Which of the two will command the greater share remains to be determined. But both are cleaner and more secure than the fuels they have begun to replace, and their ascendance should be endorsed. Even environmentalists should welcome the transition and reconsider their infatuation with renewable energy sources.

CARBON NATIONS

Among sources of electric-power generation, coal is the worst environmental offender. (Petroleum, today's dominant source of energy, sustains transportation, putting it in a separate category.) Recent studies by the Harvard School of Public Health indicate that pollutants from coal-burning cause about 15,000 premature deaths annually in the United States alone. Used to generate about a quarter of the world's primary energy, coal-burning releases amounts of toxic waste too immense to contain safely. Such waste is either dispersed directly into the air or is solidified and dumped. Some is even mixed into construction materials. Besides emitting noxious chemicals in the form of gases or toxic particles—sulfur and nitrogen oxides (components of acid rain and smog), arsenic, mercury, cadmium, selenium, lead, boron, chromium, copper, fluorine, molybdenum, nickel, vanadium, zinc, carbon monoxide and dioxide, and other greenhouse gases—coal-fired power plants are also the world's major source of radioactive releases into the environment. Uranium and thorium, mildly radioactive elements ubiquitous in the earth's crust, are both released when coal is burned. Radioactive radon gas, produced when uranium in the Earth's crust decays and normally confined underground, is

released when coal is mined. A 1,000-megawatt-electric (MWe) coal-fired power plant releases about 100 times as much radioactivity into the environment as a comparable nuclear plant. Worldwide releases of uranium and thorium from coal-burning total about 37,300 tonnes (metric tons) annually, with about 7,300 tonnes coming from the United States. Since uranium and thorium are potent nuclear fuels, burning coal also wastes more potential energy than it produces.

Nuclear proliferation is another overlooked potential consequence of coal-burning. The uranium released by a single 1,000-MWe coal plant in a year includes about 74 pounds of uranium-235—enough for at least two atomic bombs. This uranium would have to be enriched before it could be used, which would be complicated and expensive. But plutonium could also be bred from coal-derived uranium. Moreover, ''because electric utilities are not high-profile facilities,'' writes physicist Alex Gabbard of the Oak Ridge National Laboratory, ''collection and processing of coal ash for recovery of minerals . . . can proceed without attracting outside attention, concern or intervention. Any country with coal-fired plants could collect combustion by products and amass sufficient nuclear weapons materials to build up a very powerful arsenal.'' In the early 1950s, when richer ores were believed to be in short supply, the U.S. Atomic Energy Commission actually investigated using coal as a source of uranium production for nuclear weapons; burning the coal, the AEC concluded, would concentrate the mineral, which could then be extracted from the ash.

Such a scenario may seem far-fetched. But it emphasizes the political disadvantages under which nuclear power labors. Current laws force nuclear utilities, unlike coal plants, to invest in expensive systems that limit the release of radioactivity. Nuclear fuel is not efficiently recycled in the United States because of proliferation fears. These factors have warped the economics of nuclear power development and created a politically difficult waste-disposal problem. If coal utilities were forced to assume similar costs, coal electricity would no longer be cheaper than nuclear.

DECLINE AND FALL OF THE RENEWABLES

Renewable sources of energy—hydroelectric, solar, wind, geothermal, and biomass—have high capital-investment costs and significant, if usually unacknowledged, environmental consequences. Hydropower is not even a true renewable, since dams eventually silt in. Most renewables collect extremely diluted energy, requiring large areas of land and masses of collectors to concentrate. Manufacturing solar collectors, pouring concrete for fields of windmills, and downing many square miles of land behind dams cause damage and pollution.

Photovoltaic cells used for solar collection are large semiconductors; their manufacture produces highly toxic waste metals and solvents that require special technology for disposal. A 1,000–MWe solar electric plant would generate 6,850 tonnes of hazardous waste from metals-processing alone over a 30-year lifetime. A comparable solar thermal plant (using mirrors focused on a central tower) would require metals for construction that would generate 435,000 tonnes of manufacturing waste, of which 16,300 tonnes would be contaminated with lead and chromium and be considered hazardous.

A global solar-energy system would consume at least 20 percent of the world's known iron resources. It would require a century to build and a substantial fraction of annual world iron production to maintain. The energy necessary to manufacture sufficient solar collectors to cover a half-million square miles of the Earth's surface and to deliver the electricity through long-distance transmission systems would itself add grievously to the global burden of pollution and greenhouse gas. A global solar-energy system without fossil or nuclear backup would also be dangerously vulnerable to drops in solar radiation from volcanic events such as the 1883 eruption of Krakatoa, which caused widespread crop failure during the ''year without a summer'' that followed.

Wind farms, besides requiring millions of pounds of concrete and steel to build (and thus creating huge amounts of waste materials), are inefficient, with low (because intermittent) capacity. They also cause visual and noise pollution and are mighty slayers of birds. Several hundred birds of prey, including dozens of golden eagles, are killed every year by a single California wind farm; more eagles have been killed by wind turbines than were lost in the disastrous Exxon Valdez oil spill. The National Audubon Society has launched a campaign to save the California condor from a proposed wind farm to be built north of Los Angeles. A wind farm equivalent in output and capacity to a 1,000–MWe fossil-fuel or nuclear plant would occupy 2,000 square miles of land and, even with substantial subsidies and ignoring hidden pollution costs, would produce electricity at double or triple the cost of fossil fuels.

Although at least one-quarter of the world's potential for hydropower has already been developed, hydroelectric power—produced by dams that submerge large areas of land, displace rural populations, change river ecology, kill fish, and risk catastrophic collapse—has understandably lost the backing of environmentalists in recent years. The U.S. Export-Import Bank was responding in part to environmental lobbying when it denied funding to China's 18,000–MWe Three Gorges project.

Meanwhile, geothermal sources—which exploit the internal heat of the earth emerging in geyser areas or under volcanoes—are inherently limited and often coincide with scenic sites (such as Yellowstone National Park) that conservationists understandably want to preserve.

Because of these and other disadvantages, organizations such as World Energy Council and the IEA predict that hydroelectric generation will continue to account for no more than its present 6.9 percent share of the world's primary energy supply, while all other renewables, even though robustly subsidized, will move from their present 0.5 percent share to claim no more than 5 to 8 percent by 2020. In the United States, which leads the world in renewable energy generation, such production actually declined by 9.4 percent from 1997 to 1998: hydro by 9.2 percent, geothermal by 5.4 percent, wind by 50.5 percent, and solar by 27.7 percent.

Like the dream of controlled thermonuclear fusion, then, the realty of a world run on pristine energy generated from renewables continues to recede, despite expensive, highly subsidized research and development. the 1997 U.S. federal R&D investment per thousand kWh was only 5 cents for nuclear and coal, 58 cents for oil, and 41 cents for gas, but was $4,769 for wind and $17,006 for photovoltaics. This massive public investment in renewables would have been better spent making coal plants and automobiles cleaner. According to Robert Bradley of Houston's Institute for Energy Research, U.S. conservation efforts and nonhydroelectric renewables have benefited from a cumulative 20-year taxpayer investment of some $30-$40 billion—''the largest governmental peacetime energy expenditure in U.S. history.'' And Bradley estimates that ''the $5.8 billion spent by the Department of Energy on wind and solar subsidies'' alone could have paid for ''replacing between 5,000 and 10,000 MWe of the nation's dirtiest coal capacity with gas-fired combined-cycle units, which would have reduced carbon dioxide emissions by between one-third and two-thirds.'' Replacing coal with nuclear generation would have reduced overall emissions even more.

Despite the massive investment, conservation and nonhydro renewables remain stubbornly uncompetitive and contribute only marginally to U.S. energy supplies. If the most prosperous nation in the world cannot afford them, who can? Not China, evidently, which expects to generate less than one percent of its commercial energy from nonhydro renewables in 2025. Coal and oil will still account for the bulk of China's energy supply in that year unless developed countries offer incentives to convince the world's most populous nation to change its plan.

TURN DOWN THE VOLUME

Natural gas has many virtues as a fuel compared to coal or oil, and its share of the world's energy will assuredly grow in the first half of the 21st century. But its supply is limited and unevenly distributed, it is expensive as a power source compared to coal or uranium, and it pollutes the air. A 1,000-MWe natural gas plant releases 5.5 tonnes of sulfur oxides per day, 21 tonnes of nitrogen oxides, 1.6 tonnes of carbon monoxide, and 0.9 tonnes of partculates. In the United States, energy production from natural gas released about 5.5 billion tonnes of waste in 1994. Natural gas fires and explosions are also significant risks. A single mile of gas pipeline three feet in diameter at a pressure of 1,000 pounds per square inch (psi) contains the equivalent of two-thirds of a kiloton of explosive energy; a million miles of such large pipelines lace the earth.

The great advantage of nuclear power is its ability to wrest enormous energy from a small volume of fuel. Nuclear fission, transforming matter directly into energy, is several million times as energetic as chemical burning, which merely breaks chemical bonds. One tonne of nuclear fuel produces energy equivalent to 2 to 3 million tonnes of fossil fuel. Burning 1 kilogram of firewood can generate 1 kilowatt-hour of electricity; 1 kg of coal, 3 kWh; 1 kg of oil, 4 kWh. But 1 kg of uranium fuel in a modern light-water reactor generates 400,000 kWh of electricity, and if that uranium is recycled, 1 kg can generate more than 7,000,000 kWh. These spectacular differences in volume help explain the vast difference in the environmental impacts of nuclear versus fossil fuels. Running a 1,000-MWe power plant for a year requires, 2,000 train cars of coal or 10 supertankers of oil but only 12 cubic meters of natural uranium. Out the other end of fossil-fuel plants, even those with pollution-control systems, come thousands of tonnes of noxious gases, particulates, and heavy-metal-bearing (and radioactive) ash, plus solid hazardous waste—up to 500,000 tonnes of sulfur from coal, more than 300,000 tonnes from oil, and 200,000 tonnes from natural gas. In contrast, a 1,000-MWe nuclear plant releases no noxious gases or other pollutants n1 and much less radioactivity per capita than is encountered from airline travel, a home smoke detector, or a television set. It produces about 30 tonnes of high-level waste (spent fuel) and 800 tonnes of low- and intermediate-level waste—about 20 cubic meters in all when compacted (roughly, the volume of two automobiles). All the operating nuclear plants in the world produce some 3,000 cubic meters of waste annually. By comparison, U.S. industry generates annually about 50,000,000 cubic meters of solid toxic waste.

n1 Uranium is refined and processed into fuel assemblies today using coal energy, which does of course release pollutants. If nuclear power were made available for process heat or if fuel assemblies were recycled, this source of manufacturing pollution would be eliminated or greatly reduced.

The high-level waste is intensely radioactive, of course (the low-level waste can be less radioactive than coal ash, which is used to make concrete and gypsum—both of which are incorporated into building materials). But thanks to its small volume and the fact that it is not released into the environment, this high-level waste can be meticulously sequestered behind multiple barriers. Waste from coal, dispersed across the landscape in smoke or buried near the surface, remains toxic forever. Radioactive nuclear waste decays steadily, losing 99 percent of its toxicity after 600 years—well within the range of human experience with custody and maintenance, as evidence by structures such as the Roman Pantheon and Notre Dame Cathedral. Nuclear waste disposal is a political problem in the United States because of wide-spread fear disproportionate to the reality of risk. But it is not an engineering problem, as advanced projects in France, Sweden, and Japan demonstrate. The World Health Organization has estimated that indoor and outdoor air pollution cause some three million deaths per year. Substituting small, properly contained volumes of nuclear waste for vast, dispersed amounts of toxic wastes from fossil fuels would produce so obvious an improvement in public health that it is astonishing that physicians have not already demanded such a conversion.

The production cost of nuclear electricity generated from existing U.S. plants is already fully competitive with electricity from fossil fuels, although new nuclear power is somewhat more expensive. But this higher price tag is deceptive. Large nuclear power plants require larger capital investments than comparable coal or gas plants only because nuclear utilities are required to build and maintain costly systems to keep their radioactivity from the environment. If fossil-fuel plants were similarly required to sequester the pollutants they generate, they would cost significantly more than nuclear power plants do. The European Union and the International Atomic Energy Agency (IAEA) have determined that ''for equivalent amounts of energy generation, coal and oil plants, . . . owing to their large emissions and huge fuel and transport requirements, have the highest externality costs as well as equivalent lives lost. The external costs are some ten times higher than for a nuclear power plant and can be a significant fraction of generation costs.'' In equivalent lives lost per gigawatt generated (that is, loss of life expectancy from exposure to pollutants), coal kills 37 people annually; oil, 32; gas, 2; nuclear, 1. Compared to nuclear power, in other words, fossil fuels (and renewables) have enjoyed a free ride with respect to protection of the environment and public health and safety.

Even the estimate of one life lost to nuclear power is questionable. Such an estimate depends on whether or not, as the long-standing ''linear no-threshold'' theory (LNT) maintains, exposure to amounts of radiation considerably less than preexisting natural levels increases the risk of cancer. Although LNT dictates elaborate and expensive confinement regimes for nuclear power operations and waste disposal, there is no evidence that low-level radiation exposure increases cancer risk. In fact, there is good evidence that it does not. There is even good evidence that exposure to low doses of radioactivity improves health and lengthens life, probably by stimulating the immune system much as vaccines do (the best study, of background radon levels in hundreds of thousands of homes in more than 90 percent of U.S. counties, found lung cancer rates decreasing significantly with increasing radon levels among both smokers and nonsmokers). So low-level radioactivity from nuclear power generation presents at worst a negligible risk. Authorities on coal geology and engineering make the same argument about low-level radioactivity from coal-burning; a U.S. Geological Survey fact sheet, for example, concludes that ''radioactive elements in coal and fly ash should not be sources of alarm.'' Yet nuclear power development has been hobbled, and nuclear waste disposal unnecessarily delayed, by limits not visited upon the coal industry.

No technology system is immune to accident. Recent dam overflows and failures in Italy and India each resulted in several thousand fatalities. Coal-mine accidents, oil- and gas-plant fires, and pipeline explosions typically kill hundreds per incident. The 1984 Bhopal chemical plant disaster caused some 3,000 immediate deaths and poisoned several hundred thousand people. According to the U.S. Environmental Protection Agency, between 1987 and 1997 more than 600,000 accidental releases of toxic chemicals in the United States killed a total of 2,565 people and injured 22,949.

By comparison, nuclear accidents have been few and minimal. The recent, much-reported accident in Japan occurred not at a power plant but at a facility processing fuel for a research reactor. It caused no deaths or injuries to the public. As for the Chernobyl explosion, it resulted from human error in operating a fundamentally faulty reactor design that could not have been licensed in the West. It caused severe human and environmental damage locally, including 31 deaths, most from radiation exposure. Thyroid cancer, which could have been prevented with prompt iodine prophylaxis, has increased in Ukrainian children exposed to fallout. More than 800 cases have been diagnosed and several thousand more are projected; although the disease is treatable, three children have died. LNT-based calculations project 3,420 cancer deaths in Chernobyl-area residents and cleanup crews. The Chernobyl reactor lacked a containment structure, a fundamental safety system that is required on Western reactors. Postaccident calculations indicate that such a structure would have confined the explosion and thus the radioactivity, in which case no injuries or deaths would have occurred.

These numbers, for the worst ever nuclear power accident, are remarkably low compared to major accidents in other industries. More than 40 years of commercial nuclear power operations demonstrate that nuclear power is much safer than fossil-fuel systems in terms of industrial accidents, environmental damage, health effects, and long-term risk.

GHOSTS IN THE MACHINE

Most of the uranium used in nuclear reactors is inert, a nonfissile product unavailable for use in weapons. Operating reactors, however, breed fissile plutonium that could be used in bombs, and therefore the commercialization of nuclear power has raised concerns about the spread of weapons. In 1977, President Carter deferred indefinitely the recycling of ''spent'' nuclear fuel, citing proliferation risks. This decision effectively ended nuclear recycling in the United States, even though such recycling reduces the volume and radiotoxicity of nuclear waste and could extend nuclear fuel supplies for thousands of years. Other nations assessed the risks differently and the majority did not follow the U.S. example. France and the United Kingdom currently reprocess spent fuel; Russia is stockpiling fuel and separated plutonium for jump-starting future fast-reactor fuel cycles; Japan has begun using recycled uranium and plutonium mixed-oxide (MOX) fuel in its reactors and recently approved the construction of a new nuclear power plant to use 100-percent MOX fuel by 2007.

Although power-reactor plutonium theoretically can be used to make nuclear explosives, spent fuel is refractory, highly radioactive, and beyond the capacity of terrorists to process. Weapons made from reactor-grade plutonium would be hot, unstable, and of uncertain yield. India has extracted weapons plutonium from a Canadian heavy-water reactor and bars inspection of some dual-purpose reactors it has built. But no plutonium has ever been diverted from British or French reprocessing facilities or fuel shipments for weapons production; IAEA inspections are effective in preventing such diversions. The risk of proliferation, the IAEA has concluded, ''is not zero and would not become zero even if nuclear power ceased to exist. It is a continually strengthened nonproliferation regime that will remain the cornerstone of efforts to prevent the spread of nuclear weapons.''

Ironically, burying spend fuel without extracting its plutonium through reprocessing would actually increase the long-term risk of nuclear proliferation, since the decay of less-fissile and more-radioactive isotopes in spend fuel after one to three centuries improves the explosive qualities of the plutonium it contains, making it more attractive for weapons use. Besides extending the world's uranium resources almost indefinitely, recycling would make it possible to convert plutonium to useful energy while breaking it down into shorter-lived, nonfissionable, nonthreatening nuclear waste.

Hundreds of tons of weapons-grade plutonium, which cost the nuclear superpowers billions of dollars to produce, have become military surplus in the past decade. Rather than burying some of this strategically worrisome but energetically valuable material—as Washington has proposed—it should be recycled into nuclear fuel. An international system to recycle and manage such fuel would prevent covert proliferation. As envisioned by Edward Arthur, Paul Cunningham, and Richard Wagner of the Los Alamos National Laboratory, such a system would combine internationally monitored retrievable storage, the processing of all separated plutonium into MOX fuel for power reactors, and, in the longer term, advanced integrated materials-processing reactors that would receive, control, and process all fuel discharged from reactors throughout the world, generating electricity and reducing spend fuel to short-lived nuclear waste ready for permanent geological storage.

THE NEW NEW THING

The New generation of small, modular power plants—competitive with natural gas and designed for safety, proliferation resistance, and ease of operation—will be necessary to extend the benefits of nuclear power to smaller developing countries that lack a nuclear infrastructure. The Department of Energy has awarded funding to three designs for such ''fourth-generation'' plants. A South African utility, Eskom, has announced plans to market an modular gas-cooled pebble-bed reactor that does not require emergency core-cooling systems and physically cannot ''melt down.'' Eskom estimates that the reactor will produce electricity at around 1.5 cents per kWh, which is cheaper than electricity from a combined-cycle gas plant. The Massachusetts Institute of Technology and the Idaho National Engineering and Environmental Laboratory are

developing a similar design to supply high-temperature heat for industrial processes such as hydrogen generation and desalinization.

Petroleum is used today primarily for transportation, but the internal combustion engine has been refined to its limit. Further reductions in transportation pollution can come only from abandoning petroleum and developing nonpolluting power systems for cars and trucks. Recharging batteries for electric cars will simply transfer pollution from mobile to centralized sources unless the centralized source of electricity is nuclear. Fuel cells, which are now approaching commercialization, may be a better solution. Because fuel cells generate electricity directly from gaseous or liquid fuels, they can be refueled along the way, much as present internal combustion engines are. When operated on pure hydrogen, fuel cells produce only water as a waste product. Since hydrogen can be generated from water using heat or electricity, one can envisage a minimally polluting energy infrastructure, using hydrogen generated by nuclear power for transportation, nuclear electricity and process heat for most other applications, and natural gas and renewable systems as backups. Such a major commitment to nuclear power could not only halt but eventually even reverse the continuing buildup of carbon in the atmosphere. In the meantime, fuel cells using natural gas could significantly reduce air pollution.

POWERING THE FUTURE

To meet the world's growing need for energy, the Royal Society and Royal Academy report proposes ''the formation of an international body for energy research and development, funded by contributions from individual nations on the basis of GDP or total national energy consumption.'' The body would be ''a funding agency supporting research, development and demonstrators elsewhere, not a research center itself.'' Its budget might build to an annual level of some $25 billion, ''roughly one percent of the total global energy budget.'' If it truly wants to develop efficient and responsible energy supplies, such a body should focus on the nuclear option, on establishing a secure international nuclear-fuel storage and reprocessing system, and on providing expertise for siting, financing, and licensing modular nuclear power systems to developing nations.

According to Arnulf Grubler, Nebojsa Nakicenovic, and David Victor, who study the synamics of energy technologies, ''the share of energy supplied by electricity is growing rapidly in most countries and worldwide.'' Throughout history, humankind has gradually decarbonized its dominant fuels, moving steadily away from the more polluting, carbon-rich sources. Thus the world has gone from coal (which has one hydrogen atom per carbon atom and was dominant from 1880 to 1950) to oil (with two hydrogens per carbon, dominant from 1950 to today). Natural gas (four hydrogens per carbon) is steadily increasing its market share. But nuclear fission produces no carbon at all.

Physical reality—not arguments about corporate greed, hypothetical risks, radiation exposure, or waste disposal—ought to inform decisions vital to the future of the world. Because diversity and redundancy are important for safety and security, renewable energy source ought to retain a place in the energy economy of the century to come. But nuclear power should be central. Despite its outstanding record, it has instead been relegated by its opponents to the same twilight zone of contentions ideological conflict as abortion and evolution. It deserves better. Nuclear power is environmentally safe, practical, and affordable. It is not the problem—it is one of the best solutions.

ADDITIONAL COSPONSORS

S. 148

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S. 148, a bill to require the Secretary of the Interior to establish a program to provide assistance in the conservation of neotropical migratory birds.

S. 149

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S. 149, a bill to amend chapter 44 of title 18, United States Code, to require the provision of a child safety lock in connection with the transfer of a handgun.

S. 171

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S. 171, a bill to amend the Clean Air Act to limit the concentration of sulfur in gasoline used in motor vehicles.

S. 206

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S. 206, a bill to amend title XXI of the Social Security Act to provide for improved data collection and evaluations of State Children's Health Insurance Programs, and for other purposes.

S. 285

At the request of Mr. MCCAIN, the name of the Senator from Virginia (Mr. ROBB) was added as a cosponsor of S. 285, a bill to amend title II of the Social Security Act to restore the link between the maximum amount of earnings by blind individuals permitted without demonstrating ability to engage in substantial gainful activity and the exempt amount permitted in determining excess earnings under the earnings test.

S. 333

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S. 333, a bill to amend the Federal Agriculture Improvement and Reform Act of 1996 to improve the farmland protection program.

S. 429

At the request of Mr. DURBIN, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 429, a bill to designate the legal public holiday of ''Washington's Birthday'' as ''Presidents' Day'' in honor of George Washington, Abraham Lincoln, and Franklin Roosevelt and in recognition of the importance of the institution of the Presidency and the contributions that Presidents have made to the development of our Nation and the principles of freedom and democracy.

S. 443

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S. 443, a bill to regulate the sale of firearms at gun shows.

S. 457

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S. 457, a bill to amend section 922(t) of title 18, United States Code, to require the reporting of information to the chief law enforcement officer of the buyer's residence and to require a minimum 72-hour waiting period before the purchase of a handgun, and for other purposes.

S. 494

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S. 494, a bill to amend title XIX of the Social Security Act to prohibit transfers or discharges of residents of nursing facilities as a result of a voluntary withdrawal from participation in the medicaid program.

S. 512

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S. 512, a bill to amend the Public Health Service Act to provide for the expansion, intensification, and coordination of the activities of the Department of Health and Human Services with respect to research on autism.

S. 517

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S. 517, a bill to assure access under group health plans and health insurance coverage to covered emergency medical services.

S. 547

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S. 547, a bill to authorize the President to enter into agreements to provide regulatory credit for voluntary early action to mitigate potential environmental impacts from greenhouse gas emissions.

S. 599

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S. 599, a bill to amend the Internal Revenue Code of 1986 to provide additional tax relief to families to increase the affordability of child care, and for other purposes.

S. 622

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S. 622, a bill to enhance Federal enforcement of hate crimes, and for other purposes.

S. 669

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S. 669, a bill to amend the Federal Water Pollution Control Act to ensure compliance by Federal facilities with pollution control requirements.

S. 686

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S. 686, a bill to regulate interstate commerce by providing a Federal cause of action against firearms manufacturers, dealers, and importers for the harm resulting from gun violence.

S. 708

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S. 708, a bill to improve the administrative efficiency and effectiveness of the Nation's abuse and neglect courts and the quality and availability of training for judges, attorneys, and volunteers working in such courts, and for other

purposes, consistent with the Adoption and Safe Families Act of 1997.

S. 725

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S. 725, a bill to preserve and protect coral reefs, and for other purposes.

S. 757

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S. 757, a bill to provide a framework for consideration by the legislative and executive branches of unilateral economic sanctions in order to ensure coordination of United States policy with respect to trade, security, and human rights.

S. 796

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S. 796, a bill to provide for full parity with respect to health insurance coverage for certain severe biologically-based mental illnesses and to prohibit limits on the number of mental illness-related hospital days and outpatient visits that are covered for all mental illnesses.

S. 802

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S. 802, a bill to provide for a gradual reduction in the loan rate for peanuts, to repeal peanut quotas for the 2002 and subsequent crops, and to require the Secretary of Agriculture to purchase peanuts and peanut products for nutrition programs only at the world market price.

S. 805

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S. 805, a bill to amend title V of the Social Security Act to provide for the establishment and operation of asthma treatment services for children, and for other purposes.

S. 808

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S. 808, a bill to amend the Internal Revenue Code of 1986 to provide tax incentives for land sales for conservation purposes.

S. 820

At the request of Mr. COVERDELL, his name was added as a cosponsor of S. 820, a bill to amend the Internal Revenue Code of 1986 to repeal the 4.3-cent motor fuel excise taxes on railroads and inland waterway transportation which remain in the general fund of the Treasury.

S. 835

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S. 835, a bill to encourage the restoration of estuary habitat through more efficient project financing and enhanced coordination of Federal and non-Federal restoration programs, and for other purposes.

S. 864

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S. 864, a bill to designate April 22 as Earth Day.

S. 866

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S. 866, a bill to direct the Secretary of Health and Human Services to revise existing regulations concerning the conditions of participation for hospitals and ambulatory surgical centers under the medicare program relating to certified registered nurse anesthetists' services to make the regulations consistent with State supervision requirements.

S. 926

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S. 926, a bill to provide the people of Cuba with access to food and medicines from the United States, and for other purposes.

S. 936

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S. 936, a bill to prevent children from having access to firearms.

S. 965

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S. 965, a bill to restore a United States voluntary contribution to the United Nations Population Fund.

S. 1067

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S. 1067, a bill to promote the adoption of children with special needs.

S. 1077

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S. 1077, a bill to dedicate the new Amtrak station in New York, New York, to Senator DANIEL PATRICK MOYNIHAN.

S. 1100

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S. 1100, a bill to amend the Endangered Species Act of 1973 to provide that the designation of critical habitat for endangered and threatened species be required as part of the development of recovery plans for those species.

S. 1118

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S. 1118, a bill to amend the Agricultural Market Transition Act to convert the price support program for sugarcane and sugar beets into a system of solely recourse loans to provide for the gradual elimination of the program.

S. 1131

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S. 1131, a bill to promote research into, and the development of an ultimate cure for, the disease known as Fragile X.

S. 1144

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S. 1144, a bill to provide increased flexibility in use of highway funding, and for other purposes.

S. 1200

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S. 1200, a bill to require equitable coverage of prescription contraceptive drugs and devices, and contraceptive services under health plans.

S. 1210

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S. 1210, a bill to assist in the conservation of endangered and threatened species of fauna and flora found throughout the world.

S. 1225

At the request of Ms. COLLINS, the name of the Senator from Wyoming (Mr. THOMAS) was added as a cosponsor of S. 1225, a bill to provide for a rural education initiative, and for other purposes.

S. 1241

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S. 1241, a bill to amend the Fair Labor Standards Act of 1938 to provide private sector employees the same opportunities for time-and-a-half compensatory time off and biweekly work programs as Federal employees currently enjoy to help balance the demands and needs of work and family, to clarify the provisions relating to exemptions of certain professionals from minimum wage and overtime requirements of the Fair Labor Standards Act of 1938, and for other purposes.

S. 1262

At the request of Mr. REED, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1262, a bill to amend the Elementary and Secondary Education Act of 1965 to provide up-to-date school library medial resources and well-trained, professionally certified school library media specialists for elementary schools and secondary schools, and for other purposes.

S. 1266

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S. 1266, a bill to allow a State to combine certain funds to improve the academic achievement of all its students.

S. 1472

At the request of Mr. SARBANES, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 1472, a bill to amend chapters 83 and 84 of title 5, United States Code, to modify employee contributions to the Civil Service Retirement System and the Federal Employees Retirement System to the percentages in effect before the statutory temporary increase in calendar year 1999, and for other purposes.

S. 1487

At the request of Mr. AKAKA, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1487, a bill to provide for excellence in economic education, and for other purposes.

S. 1573

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S. 1573, a bill to provide a reliable source of funding for State, local, and Federal

efforts to conserve land and water, preserve historic resources, improve environmental resources, protect fish and wildlife, and preserve open and green spaces.

S. 1618

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S. 1618, a bill to promote primary and secondary health promotion and disease prevention services and activities among the elderly, to amend title XVIII of the Social Security Act to add preventive benefits, and for other purposes.

S. 1653

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S. 1653, a bill to reauthorize and amend the National Fish and Wildlife Foundation Establishment Act.

S. 1730

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S. 1730, an original bill to amend the Federal Water Pollution Control Act to provide that certain environmental reports shall continue to be required to be submitted.

S. 1731

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S. 1731, an original bill to amend the Clean Air Act to provide that certain environmental reports shall continue to be required to be submitted.

S. 1744

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S. 1744, an original bill to amend the Endangered Species Act of 1973 to provide that certain species conservation reports shall continue to be submitted.

S. 1752

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S. 1752, a bill to reauthorize and amend the Coastal Barrier Resources Act.

S. 1758

At the request of Mr. COVERDELL, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1758, a bill to authorize urgent support for Colombia and front line states to secure peace and the rule of law, to enhance the effectiveness of anti-drug efforts that are essential to impending the flow of deadly cocaine and heroin from Colombia to the United States, and for other purposes.

S. 1810

At the request of Mrs. MURRAY, the names of the Senator from Hawaii (Mr. INOUYE) and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of S. 1810, a bill to amend title 38, United States Code, to clarify and improve veterans' claims and appellate procedures.

S. 1886

At the request of Mr. INHOFE, the names of the Senator from New Mexico (Mr. BINGAMAN) and the Senator from Ohio (Mr. VOINOVICH) were added as cosponsors of S. 1886, a bill to amend the Clean Air Act to permit the Governor of a State to waive the oxygen content requirement for reformulated gasoline, to encourage development of voluntary standards to prevent and control releases of methyl tertiary butyl ether from underground storage tanks, and for other purposes.

S. 1951

At the request of Mr. SCHUMER, the names of the Senator from Connecticut (Mr. DODD), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from Vermont (Mr. JEFFORDS) were added as cosponsors of S. 1951, a bill to provide the Secretary of Energy with authority to draw down the Strategic Petroleum Reserve when oil and gas prices in the United States rise sharply because of anticompetitive activity, and to require the President, through the Secretary of Energy, to consult with Congress regarding the sale of oil from the Strategic Petroleum Reserve.

S. 1983

At the request of Mrs. MURRAY, the names of the Senator from Oregon (Mr. WYDEN) and the Senator from Washington (Mr. GORTON) were added as cosponsors of S. 1983, a bill to amend the Agricultural Trade Act of 1978 to increase the amount of funds available for certain agricultural trade programs.

S. 2005

At the request of Mr. BURNS, the names of the Senator from Arkansas (Mr. HUTCHINSON), the Senator from Nebraska (Mr. HAGEL), the Senator from Alabama (Mr. SHELBY), the Senator from Michigan (Mr. ABRAHAM), the Senator from Alaska (Mr. STEVENS), the Senator from Oklahoma (Mr. INHOFE), and the Senator from Missouri (Mr. BOND) were added as cosponsors of S. 2005, a bill to repeal the modification of the installment method.

S. 2006

At the request of Mr. SPECTER, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 2006, a bill for the relief of Yongyi Song.

S. 2010

At the request of Mr. BROWNBACK, the names of the Senator from Arkansas (Mr. HUTCHINSON) and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of S. 2010, a bill to require the Federal Communications Commission to follow normal rulemaking procedures in establishing additional requirements for noncommercial educational television broadcasters.

S. CON. RES. 32

At the request of Mr. CONRAD, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. Con. Res. 32, a concurrent resolution expressing the sense of Congress regarding the guaranteed coverage of chiropractic services under the Medicare+Choice program.

S. CON. RES. 60

At the request of Mr. FEINGOLD, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. Con. Res. 60, a concurrent resolution expressing the sense of Congress that a commemorative postage stamp should be issued in honor of the U.S.S. *Wisconsin* and all those who served aboard her.

S. CON. RES. 79

At the request of Mr. DODD, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. Con. Res. 79, a concurrent resolution expressing the sense of Congress that Elian Gonzalez should be reunited with his father, Juan Gonzalez of Cuba.

S.J. RES. 30

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S.J. Res. 30, a joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for women and men.

S. RES. 87

At the request of Mr. DURBIN, the names of the Senator from Wisconsin (Mr. KOHL) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. Res. 87, a resolution commemorating the 60th Anniversary of the International Visitors Program

S. RES. 196

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S. Res. 196, a resolution commending the submarine force of the United States Navy on the 100th anniversary of the force.

SENATE RESOLUTION 248—TO DESIGNATE THE WEEK OF MAY 7, 2000, ''NATIONAL CORRECTIONAL OFFICERS AND EMPLOYEES WEEK''

Mr. ROBB submitted the following resolution, which was referred to the Committee on the Judiciary:

S. RES. 248

Whereas the operation of correctional facilities represents a crucial component of our criminal justice system;

Whereas correctional personnel play a vital role in protecting the rights of the public to be safeguarded from criminal activity;

Whereas correctional personnel are responsible for the care, custody, and dignity of the human being charged to their care; and

Whereas correctional personnel work under demanding circumstances and face danger in their daily work lives: Now, therefore, be it

Resolved, That the Senate designates the week of May 7, 2000, as ''National Correctional Officers and Employees Week.'' The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate ceremonies and activities.

SENATE RESOLUTION 249—TO AUTHORIZE TESTIMONY, DOCUMENT PRODUCTION, AND LEGAL REPRESENTATION IN THOMAS DWYER V. CITY OF PITTSBURGH, ET AL

Mr. LOTT (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S. RES. 249

Whereas, in the case of *Thomas Dwyer* v. *City of Pittsburgh, et al.*, pending in the United States District Court for the Western District of Pennsylvania, testimony has been requested from Emmet Mahon, an employee in the office of Senator Rick Santorum;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it

Resolved, That Emmet Mahon is authorized to testify and produce documents in the case of *Thomas Dwyer* v. *City of Pittsburgh, et al.*, except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent Emmet Mahon in connection with the testimony and document production authorized in section one of this resolution.

NOTICE OF HEARING

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LUGAR. Madam President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry will meet on February 3, 2000 in SR–328A at 9 a.m. The purpose of this meeting will be to discuss Rural Satellite and Cable Systems Loan Guarantee Proposal and the Digital Divide in Rural America.

PRIVILEGE OF THE FLOOR

Mr. FEINGOLD. Madam President, I ask unanimous consent that Tim Sparapani, a legal intern on my staff, be granted the privilege of the floor for the remainder of the Senate's consideration of S. 625, the bankruptcy reform bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

THE WEYERHAEUSER COMPANY'S 100TH ANNIVERSARY

● Mrs. MURRAY. Madam President, I come to the floor today to recognize the Weyerhaeuser Company's 100th anniversary on Tuesday, January 18, 2000.

In 1990, a group of investors led by Frederick Weyerhaeuser incorporated the Weyerhaeuser Company. With three employees in Tacoma, Washington, Weyerhaeuser began one hundred years of expansion and growth across our State, Nation and international borders. Today, Weyerhaeuser is the world's largest owner of softwood timber, and the largest producer and distributor of engineered wood products.

An economic pillar in the Northwest and throughout the nation, Weyerhaeuser employs over 45,000 people. The company's current success is directly related to its commitment to sustainable forestry and community involvement. Frederick Weyerhaeuser's founding vision is captured in his statement ''this is not for us, it is for our children.'' Steven R. Rogel, Weyerhaeuser's current chairman, CEO, and president has committed the company to ''safety and to being a good corporate citizen. Weyerhaeuser continues to manage woodlands to sustain the supply of wood and protect the ecosystem.'' Through product research, Weyerhaeuser has successfully developed new products and services to meet changing customer demands.

Dedicated to the communities which support it, Weyerhaeuser has distributed over $127 million to communities for educational, environmental and other programs. Through the years, Weyerhaeuser has supported recycling programs becoming the third largest recycler in the Nation. The company's 24 recycling facilities collect nearly four million tons of paper each year. In 1980, Mt. St. Helens in Washington state erupted, destroying thousands of acres of forest. Weyerhaeuser salvaged timber and replanted 18 million seedlings in the volcanic area. The company joined the Department of Transportation to create the visitor center at Mt. St. Helens which educates people about the environment.

Over the years, Weyerhaeuser has become an international trade leader and an engine adding to the economic success of Washington state and the entire nation. I would like to congratulate the Weyerhaeuser Team on its past 100 years of business success. I know their innovation will carry them through the next century, and I look forward to the benefits Weyerhaeuser will continue to bring to the people of Washington State.●

TRIBUTE TO WINI YUNKER

● Mr. MCCONNELL. Madam President, I rise today to pay tribute to a fine Kentuckian, Wini Yunker, as she prepares to serve the Peace Corps in the Ukraine.

Choosing to serve in the Peace Corps is an admirable decision for anyone to make but, especially for Ms. Yunker, who is making this decision later in life. At a time in her life when most people are beginning to think of retirement and slowing the pace of their lives, Ms. Yunker is instead boldly venturing out on a new journey. She is reaching high for a new goal that will not only make a lasting impact on her own life, but also on the lives of those she leaves the country to help.

Ms. Yunker enters the Peace Corps with the benefit of a lifetime of learning and preparation, making her an ideal candidate for service. She completed the necessary academic requirements by earning a college degree, and further earned a master's degree from the Patterson School of Diplomacy and International Commerce at the University of Kentucky.

The Peace Corps was created in 1961, by President John F. Kennedy, and is an international service organization dedicated to helping developing countries. My wife, Elaine L. Chao, headed the Peace Corps from 1991 to 1992, and it was under her tenure that service programs in the newly independent states of the former Soviet Union, including Ukraine, began. We take great personal pleasure that Ms. Yunker, a fellow Kentuckian, will be working in a service program Elaine helped create. Elaine's leadership of the Peace Corps made us both acutely aware of the kind of committed, hands-on approach to service that participation in the Corps entails. We applaud you, Ms. Yunker, for accepting the challenges the Peace Corps will surely present you over the next two years. The commitment you have made is admirable and your passion to serve others is an example to us all.

Congratulations, Ms. Yunker, on your acceptance into the Peace Corps, and thank you for your enthusiastic willingness to serve. On behalf of myself, my wife, and my colleagues in the United States Senate, I wish you the all the best.

Madam President, I ask that a Louisville Courier-Journal article from January 18, 2000, be printed in the RECORD.

The article follows:

[From the Louisville Courier-Journal, Jan. 18, 2000]

WOMAN REJECTED IN '61 GETS INTO PEACE CORPS

(By Chris Poynter)

NICHOLASVILLE, KY.—Thirty-nine years ago, the Peace Corps told Wini Yunker no.

She didn't have enough education, the Peace Corps said.

But it has now learned that you don't tell Wini Yunker no.

She graduated from college at age 58. She learned to ski a year later.

At 60, she earned a master's degree from the Patterson School of Diplomacy and International Commerce at the University of Kentucky.

Now, at 65, she's set to leave her home in Nicholasville to finally join the Peace Corps.

At the end of the month, she'll join 30 other Peace Corps volunteers who are teaching Ukrainians how to run a business in a free-market democracy, rather than under communism; the country was a republic of the former Soviet Union until 1991.

Yunker, born and raised in Nicholasville, just south of Lexington, said she's joining the Peace Corps because she wants a challenge, enjoys teaching and will feel good about helping a country become more democratic.

''I'm ready for a new phase in my life,'' she said.

The response is typical Yunker, who zigs when others zag. She's never been one to sit around and wait for life to come to her.

Some of her relatives think she's insane for leaving the comfort of her home and family to spend two years in an emerging democracy, where the winters are brutally cold.

Her brother-in-law tried to discourage her, sending her this rhyme: ''If you have any sense in your brain, you will stay away from the Ukraine.''

Yunker is one of a number of senior citizens who are joining the Peace Corps, which since its inception in 1961 has been populated mainly by freshly minted college graduates. The volunteers dedicate two years of their lives to working in developing countries.

When the Peace Corps was created by President John F. Kennedy, few members were senior citizens. This year, 7 percent—476—of the volunteers are over 50. Brendan Daly, a spokesman for the agency, said that figure has hovered between 6 percent and 8 percent in the 1990s, in part because seniors are more active and more educated than ever and are looking for something unusual to do.

In some respects, senior volunteers are better prepared than younger people. They have a wealth of life experiences to share and are enthusiastic about becoming part of a new culture, Daly said.

''They may not be the youngest in years, but they are the youngest in heart,'' he said.

Yunker definitely fits that description. Three years ago, she and her only child, 22-year-old Joe, rappelled off the scenic cliffs of Red River Gorge in Eastern Kentucky.

A colleague at work nicknamed her ''Flash'' because she's always darting around the factory at Sargent & Greenleaf in Nicholasville, which makes high-security locks for banks, vaults and safes.

Yunker will officially retire on Friday, after nearly 17 years with the company. But last Friday, the 160 employees came together to honor Yunker, a silver-haired woman who always wears a cheerful smile and is known for her long, dangling earrings.

Yunker is the administrative assistant to company President Jerry Morgan. Morgan told the employees Yunker will be missed. And he noted the she had raised her son in a single-parent home but still found time to earn two degrees, volunteer for the United Way and teach in a literacy program, Operation Read.

He presented her with a gold watch before she took the microphone. She cried at times as she read from a prepared speech, and some co-workers dabbed tears from their eyes.

Yunker preached about the importance of education and encouraged the company's employees to take advantage of its program that pays for college tuition if they maintain a B average.

That's how Yunker earned her marketing degree from Spalding University. Every third weekend for four years, she would drive about 70 miles to downtown Louisville, where she stayed in a dormitory and studied as part of Spalding's weekend program.

The entire Sargent & Greenleaf factory helped her earn her degree, she said. Workers in the manufacturing, sales and engineering departments aided her with homework, and Patsy Gray, the woman who hired her, proofread and edited her term papers and essays.

While she was a student at Spalding, Yunker remembered that day in 1961 when she was living in Washington and went to Peace Corps headquarters to inquire about joining. The Peace Corps was the idea of President Kennedy who, while campaigning in October 1960, proposed an international volunteer organization. Since then, more than 155,000 Americans, including 1,079 Kentuckians, have traveled across the globe, helping people in villages, towns, and cities with education, health, transportation, business and other needs.

Yunker remembers being disappointed when she was turned away in 1961 because she didn't have a college degree. So, after graduating from Spalding, she called to see if the Peace Corps still existed. When she learned it did, she began planning to join in seven years, when she would retire and her son would be old enough to live alone. A Peace Corps official suggested she earn a master's degree in the meantime. She did.

In 1998, she applied to the Peace Corps and had her employers and others write letters of recommendation. Last October, she learned that she had been accepted, but with some conditions.

For health reasons, she had to have three of her teeth, which had been capped, either replaced or removed. She chose removal to save money. She also had to have a bunion removed from one foot.

About the same time, Yunker decided to stop coloring her gray hair black. ''I just decided I can't continue to be that vain if I'm going to be in a foreign country,'' she said.

On Jan. 31, she'll fly to Kiev, the capital of Ukraine, and take a bus to Cherkassy, a city of about 300,000 where she'll live with a family for four months while studying the language and culture eight hours a day. Then, she'll go to a university—she doesn't know which one or where—to teach business.

Her biggest concern is learning the language. She's not worried about the teaching. For six years, she had volunteered for Operation Read, and she recently taught English to a Korean immigrant who lives in Nicholasville.

''When we started in June, she couldn't speak English at all. And of course, I don't speak Korean,'' Yunker said. ''And now, we can talk about even personal things and have conversations on the phone.''

Velma J. Miller is among Yunker's coworkers concerned about her living in Ukraine.

Miller said Yunker, a longtime friend, is the kind of person who brought fresh flowers, food and cards when Miller was undergoing chemotherapy for breast cancer in 1998.

When Miller learned that Yunker had to have three teeth removed, she pulled her aside in the restroom and asked, ''Wini, do you reckon that God's trying to tell you not to go?''

Yunker said her only worry is her five siblings, all of whom are older. She made each promise not to get sick while she was away.

Likewise, Yunker's son is worried, but also excited for his mother. Joe Yunker, an emergency medical technician in Jessamine County, said he knows that being a Peace Corps volunteer is one of his mother's life dreams. He's heard about it since he was 11.

''My mom can do anything,'' he said.●

''SAINT'' RITA

● Mr. LEAHY. Madam President, earlier this month, the Burlington Free Press chose for its 1999 Vermonter of the Year, a woman who is widely recognized as the guardian angel of the homeless in Vermont, Rita Markley. For as long as I have known her, Rita has been a passionate, articulate, and very vocal advocate for our most needy residents. She has raised awareness that even in Vermont, there are people without a roof over their heads, and most importantly, that these people have names, and faces, and that many of them are children. They could not have a better defender. I would like to have printed in the RECORD the text of the Burlington Free Press article announcing the selection of Rita as Vermonter of the Year, and offer my congratulations and sincere thanks to our very own ''Saint'' Rita Markley. I ask that the article be printed in the RECORD.

The article reads as follows:

[From the Burlington Free Press, Jan. 1, 2000]

COTS DIRECTOR IS OUR VERMONTER OF THE YEAR

(By Stephen Kieman)

They are the problem the world's richest country pretends it doesn't have. Curled up in doorways, or killing time on street corners, they are the vision more fortunate Vermonters have learned to look past.

In a booming economy, they are the bust. Amid records on Wall Street, they sleep on Main Street.

They are the homeless. And Rita Markley does not look past them. She does not pretend they do not exist. Most of all, she does not stop believing in them.

As director of the Committee on Temporary Shelter, the largest program for helping homeless people in Vermont, Markley provides them with shelter, and then a way up.

For her exemplary advocacy on behalf of homeless people, for her unstinting attention to an urgent social issue, and for her success in building a more aware and compassionate community, Rita Markley is The Burlington Free Press Editorial Board's choice for Vermonter of the Year.

A NEW PROBLEM

COTS began providing shelter on Christmas Eve, 1982. Homelessness in Vermont is that recent a phenomenon. Last year more than 4,000 Vermonters lacked housing at some point. Most of them turned to COTS.

In 1999, COTS provided 10,723 bed nights to people who otherwise would have slept in a car or on the street. COTS also gave shelter to nearly 300 families—including 534 children.

Indeed one of Markley's achievements has been educating Vermonters about who homeless people are. Granted, some are the bothersome substance abusers who elicit little sympathy, but that is a shrinking proportion.

Many homeless people are veterans. Many are victims of the national trend to close mental hospitals and other institutions, who have not subsequently received sufficient community services.

Mostly, the homeless are people that Vermonters in good homes interact with all the time—at restaurants, at cash registers, in hotels. Though this work formerly paid enough to support people, today a full-time job is no guarantee of a place to live.

Of the families who needed COTS last year, half had at least one person working. Yet wages at entry level jobs have fallen so far behind the cost of living in Vermont, the number of homeless families has quadrupled in only four years.

Meanwhile the federal government, which used to build affordable housing units by the tens of thousands, has stopped. Urban renewal programs have demolished low-income housing, worsening the supply shortage.

Housing development has focused on higher priced homes; the state's median house selling price rose 20 percent this decade, placing a solution farther out of reach.

The Clinton administration has responded by expanding rental assistance money. But in Vermont, roughly 1,000 people eligible for these funds face a major obstacle: no eligible apartments available. Burlington has it worst, with a vacancy rate near zero.

MORE THAN SHELTER

Markley came to COTS as a part-timer who wanted to write fiction. Now she is a full-time champion of people who otherwise would not have a voice—or a place to go.

COTS offers much more than a meal and a bed, though. It provides a continuum of services: health care, child care, job training, coaching for interviews, help with school, summer programs for children, mental health counseling, and on and on. For those who strive, these programs are a strong ladder into good housing and greater opportunities.

Most importantly, COTS offers its clients hope—that they can escape dependency and attain self-sufficiency. ''Rita believes in the resourcefulness of the human spirit,'' said United Way executive director Gretchen Morse. ''She never falters on that.''

It works. Seventy percent of the people who complete COTS' training programs have a job and stable housing a year later. A new effort to link apartment hunters with landlords who accept federal subsidies has found 40 individuals and 60 families a place to live—even in this no-vacancy market.

COTS has therefore earned the national accolades that have poured in from advocacy groups and the U.S. Department of Housing.

COMPASSION, ABILITY

With so serious a problem affecting so vital a need of a population growing so quickly, you might expect their strongest advocate to be strident or self-righteous. In Markley's case, a better description would be jokester chocaholic.

Yes, she is capable of speaking with passion at COTS' annual candlelight vigil. Yes, she is articulate in the Statehouse and before community leaders. And yes, sometimes she is angry about Washington's indifference to the people who are not sharing in the nation's prosperity.

But Markley uses irreverent humor to protect her from the sometimes grimness of her task, and to thwart burnout. She is quick to praise others, and effusive in her thanks.

As a result she has made homelessness something Vermonters cannot ignore. Some 180 businesses support COTS financially or with in-kind services. Some 1,500 Vermonters walk for COTS each May. That means Markley is helping cultivate compassion across the community, a good deed that extends far beyond the mission of COTS.

It also means COTS has steadily diminished its reliance on government's help, now receiving two-thirds of it's funding from other sources. Services are not tailored to the eligibility requirements of some grant, but to what a homeless person actually needs.

Markley draws on a wealth of skills in her work. Sometimes she is the passionate advocate. Sometimes she is the skilled policy wonk. Sometimes she is the light-hearted comic who brings chocolate to a potentially controversial meeting.

Sister Lucille Bonvouloir, a founder of COTS, tells a story that reveals a seemingly bottomless reservoir of compassion and ability. A woman came into COTS in the 1980's and no one could communicate with her. Everyone wondered why the woman would not speak. Then Markley entered the room, and in a matter of minutes they had struck up a lively conversation.

In Russian.●

TRIBUTE TO THE EMPLOYEES OF CATERPILLAR

● Mr. COVERDELL. Madam President, every once in awhile, we are reminded that all the important issues we are working on pale in comparison to the countless acts of charity and compassion that occur all across America on a daily basis. I want to recount for my colleagues one such act, which occurred in my home state of Georgia, appropriately enough, during the holiday season—an act that puts a human face on the compassion that is innate in the American people.

A.J. Bentley III, 3½ years old, is a constituent of mine who is dying of brain cancer. While A.J.'s prognosis looks bleak, the disease has not taken away his passion and fascination with tractors, farm and earth moving equipment—the kind which Georgia is blessed to have plenty. Upon learning of A.J.'s terminal illness, our office contacted the good people at Caterpillar to see what they could do to lift the spirits of a dying boy and his family. Caterpillar reacted without hesitation and pulled out all of the stops. First, Caterpillar offered to have A.J. tour their plant in Peoria, Illinois so he could see first hand how all the equipment was built and how it worked. Unfortunately, A.J.'s medical condition prevented him from being able to fly to Illinois. Plan ''B'' was to have A.J. visit the Forest Products Division of Caterpillar in LaGrange, Georgia. On the day his dream would be fulfilled, A.J. was not feeling well and unable to make the 1 hour drive to LaGrange. Undeterred, the people of Caterpillar would not let A.J.'s illness keep them from fulfilling his dream. Because everyone at the LaGrange plant wanted a chance to help, there was a lottery that day in LaGrange. The grand prize was the chance to drive to A.J.'s hometown of Thomaston, Georgia and make his dream come true in person. The lucky few saw first-hand the joy of a young boy, decked out in his Caterpillar hat and playing on his new Caterpillar equipment that he loves so much. As the group was leaving to return to LaGrange, A.J. waved good-bye, then with a burst of energy proclaimed ''this is the best day of my life''. All who helped make this possible, I know, feel their own happiness that words could never adequately express.

There are days when all we seem to hear about is how people have become so self-absorbed in their own lives. I offer this example as a case in point of the compassion and good will that exists in LaGrange, in Georgia, and all across this Nation—people who are making a difference on a daily basis—one child, one American at a time. I salute the people of Caterpillar and I am humbled by their act of kindness. I know I speak for all of us when I say, A.J. has touched all of our hearts and he and his family will always be in our thoughts and prayers.●

TRIBUTE TO DR. M. GAZI YASARGIL

● Mrs. LINCOLN. Madam President, I rise today to pay tribute to the achievements of a distinguished member of the Arkansas medical community. Dr. M. Gazi Yasargil is recognized worldwide for his work in the field of Neurosurgery and we in Arkansas are fortunate to benefit from his talents. Dr. Yasargil's contributions to his field were recently acclaimed when Neurosurgery, the official journal of the Congress of Neurological Surgeons, recognized him as ''The Man of the Century.'' This honor acknowledges Dr. Yasargil's significant impact on the field of neurosurgery in the second half of the 20th century.

Professor Yasargil received his medical degree from the University of Basel, Switzerland, in 1950. Following his residency in neuroanatomy, psychiatry and neurology, internal medicine and general surgery, he began his training in neurosurgery in 1953 with Professor H. Krayenbuhl at the University Hospital, Zurich.

During the first decade of his career Professor Yasargil was involved with the development of cerebral angiography, publishing two monographs with his teacher, Professor H. Krayenbuhl. He introduced stereotactic surgery and high-frequency coagulation technique into Switzerland and operated on 800 patients for movement disorders. Additionally, Yasargil routinely performed all types of conventional neurosurgical procedures on both children and adults. Professor Yasargil spent 14 months in 1965–66 with Professor RMP Donaghy, in the Neurosurgical Department, University of Burlington, Vermont, where he learned microsurgical techniques in the animal laboratory, and developed microvascular surgery of brain arteries in animals. Upon his return to Zurich he began to apply the microtechnique to the entire field of neurosurgery. He developed the counter balanced operating microscope and numerous microsurgical instruments and vascular clips; he pioneered microsurgical approaches and treatments for occluded brain arteries, intracranial aneurysms, AVMs, caveronmas, and extrinsic and intrinsic tumors of the brain and spinal cord, in 7000 adults and 400 children. His surgical experiences have been published in 330 papers. The six volume publication Microneurosurgery is the comprehensive review of his broad experiences.

In 1973, Professor Yasargil became Chairman and Director of the Department of Neurosurgery, University Hospital, Zurich, until his retirement in 1993. He was President of the Neurosurgical Society of Switzerland 1973–75. Professor Yasargil has been awarded with honorary medical degrees by the Universities of Ankara and Istanbul in Turkey, also with honorary citizenship of Austin, Texas, and Urgup, Turkey, and honorary membership in 15 international medical societies. Professor Yasargil has received major awards and prizes including the highly regarded Marcel Benoit Prize from the Swiss Federal Government in 1975, Medal of Honor of the University of Naples, Italy, in 1988, Gold Medal of the World Federation of Neurological Societies in 1997, and he was honored as ''Neurosurgeon of the Century'' by the Brazilian Neurosurgical Society in 1998.

In 1994 Professor Yasargil accepted an appointment as Professor of Neurosurgery at the University of Arkansas for Medical Sciences (UAMS) in Little Rock where today he is active in the practice of microneurosurgery, research, and teaching. At UAMS, Dr. Yasargil has consistently provided superior treatment and care, attracting patients from all over the world. At the same time, he has continued to guide ground-breaking research initiatives and develop innovative surgical procedures.

Madam President, I take great pride in recognizing Dr. Yasargil's contributions to the quality of the lives of so many people in my home state and others around the world. I am equally proud of the quality care and cutting edge medical service the people at the University of Arkansas Medical Sciences provide so that Dr. Yasargil can share his talents. UAMS has been the state's primary source for healthcare education, biomedical and biotechnology research and clinical care for more than 100 years. The quality work and service that UAMS and Dr. Yasargil continue to provide should be a great source of pride for Arkansans.●

TRIBUTE TO C.M. NEWTON

● Mr. MCCONNELL. Madam President, I rise today to pay tribute to my friend and fellow Kentuckian C.M. Newton on the occasion of his retirement as Athletics Director at the University of Kentucky.

C.M. Newton has made contributions to the University that are as great in number as they are significant in accomplishment in his 11 years as Wildcats Athletics Director. The positive changes and improvements he implemented over the years culminate into an unmatched legacy of excellence for C.M. and for the entire University of Kentucky community.

C.M.'s involvement with the Wildcats began long before his tenure as Athletics Director. He attended U.K. and received a bachelor's degree in 1952, and earned a masters degree in 1957. During his undergraduate years, C.M. played on the Wildcats basketball team and lettered on their 1951 NCAA championship team. He also pitched for the U.K. baseball team, and played quarterback for a Wildcats intramural football team.

In the years between his graduation from the University of Kentucky and his return in 1989, C.M. began his professional career in athletics. While serving in the Air Force in 1953, C.M. held his first official leadership position in athletics as the athletic officer for Andrews Air Force Base in Washington, D.C. He served as head basketball coach with Transylvania University, the University of Alabama, and Vanderbilt University, with a lifetime coaching record of 509 wins and 375 losses. He also served as Assistant Commissioner for the Southeastern Conference (SEC). C.M. approached these positions of leadership with a vigor, integrity, and enthusiasm that the world of sports took notice of by naming him Associated Press Southeastern Conference Coach of the Year in 1972, 1976, 1988 and 1989 and United Press International SEC Coach of the Year in 1972, 1978, and 1988.

C.M. also achieved a number of other honors, including membership on the Board of Directors of the National Association of Basketball Coaches, Chairman of the NCAA Basketball Rules Committee, Vice President and President of USA Basketball, Chairman of the USA Basketball Games Committee, membership in the NCAA Division I Basketball Committee, Chairman of the NCAA Basketball Officiating Committee, and membership on the FIBA Central Board.

It was with this vast list of accomplishments and honors that C.M. chose to return to the University of Kentucky on April 1, 1989. C.M. hit the ground running as Athletics Director and with his already well-established reputation for excellence and integrity, brought winning coaches and players to the Wildcats athletics programs. During C.M.'s leadership at U.K., the basketball and football teams soared, the men's and women's soccer teams received national attention, and the program grew to include 22 varsity sports—more than any other school in the SEC. The Wildcats athletic budget has more than tripled under C.M.'s tenure, allowing the school to expand and renovate several of the campus athletic facilities.

More than anything, though, C.M. Newton rejuvenated an excitement about athletics at the University of Kentucky. He led the Wildcats in a way that commanded respect—he led with dignity and embodied integrity.

Thank you, C.M., for your 11 years of dedicated service to the University of Kentucky, which resulted in winning teams, winning kids, and a top-quality program. Your spirit and legacy will continue to drive the Wildcats to victory for years to come. Best wishes in your retirement and may God bless you, Evelyn, and your family in this next phase of your life.●

TRIBUTE TO HAZEL WOLF

● Mrs. MURRAY. Madam President, it is with great respect and admiration that I rise today to pay tribute to Ms. Hazel Wolf, of Seattle, Washington, who passed away at the age of 101 on Wednesday, January 19, 2000. A tireless advocate for conservation and social justice, Ms. Wolf was an outstanding example for all Americans. She combined humor with persistence as she set about combating injustice. She will continue to live in the hearts and minds of the many who knew her. And there are many, for Hazel had the remarkable ability to engage just about anyone, from Senator to second grader.

Hazel Wolf was born in Victoria, British Columbia, on March 10, 1898. In 1923, she moved to the United States with her daughter, Nydia. She was a union organizer for the Works Progress Administration and avidly followed politics, eventually becoming a Democrat. Until 1965, she worked as a legal secretary for the Seattle civil rights lawyer John Caughlan. It wasn't until her retirement that she became such an involved environmental activist and leader.

Ms. Wolf began working with the Audubon Society in the early-1960s and helped start 21 of the 26 Audubon Society chapters in Washington State. In 1979, she worked to organize the first statewide conference to bring together environmentalists and Native American tribes, the Indian Conservationist Conference. She served as Secretary of the Seattle Audubon Society chapter for three decades, and for 17 years she edited an environmental newsletter, 'Outdoors West'. In 1990, her discussions with a Soviet delegation led to the creation of the Leningrad Audubon Society in Russia. Ms. Wolf was also a founder of Seattle's Community Coalition for Environmental Justice, which works to improve environmental safety in poor city neighborhoods. She also belonged to the Sierra Club, Greenpeace and the Earth Island Institute. Ms. Wolf was a frequent and favorite speaker at schools and environmental conferences throughout the Northwest.

In 1997, the National Audubon Society awarded her the prestigious Audubon Medal, for Excellence in Environmental Achievement. She received numerous other awards, including the State of Washington Environmental Excellence Award, the National Audubon Society's Conservationist of the Year Award and the Washington State Legislature Award for environmental work. To celebrate her 100th birthday in 1998, the Seattle Audubon chapter created the Hazel Wolf ''Kids for the Environment'' endowment, which will fund programs to provide urban children from lower-income communities with opportunities to experience the natural world. In Issaquah, Washington, there is a 116-acre wetland named after her. On the other side of the Cascade Mountains near Yakima, a bird sanctuary bears her name.

Hazel Wolf served as the environmental conscience of the Northwest, with her dedication to protecting forests, saving salmon, educating young people and preserving the outdoors for future generations to enjoy. The most significant and important tribute we can give to Hazel Wolf is to continue the work which she pursued with such vision and passion. We will miss you Hazel, but rest assured, we will continue the work you started.●

AUTHORIZING TESTIMONY AND LEGAL REPRESENTATION

Mr. GRASSLEY. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 249, submitted earlier by Senators LOTT and DASCHLE.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 249) to authorize testimony, document production, and legal representation in Thomas Dwyer v. City of Pittsburgh, et al.

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. Mr. President, this resolution concerns a request for testimony in a civil rights action in the United States District Court for the Western District of Pennsylvania. The action against local authorities in Pittsburgh arises out of a premises search and civil commitment proceedings they initiated. The plaintiff sought casework assistance from Senator RICK SANTORUM's office at around the same time that the plaintiff came to the attention of local authorities as a potential threat to himself or others. This resolution would permit an employee on Senator SANTORUM's staff to testify at a deposition, with representation by the Senate Legal Counsel, about his communications with the parties to this matter.

Mr. GRASSLEY. Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 249) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 249

Whereas, in the case of *Thomas Dwyer* v. *City of Pittsburgh, et al.*, pending in the United States District Court for the Western District of Pennsylvania, testimony has been requested from Emmet Mahon, an employee in the office of Senator Rick Santorum;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it

Resolved, That Emmet Mahon is authorized to testify and produce documents in the case of *Thomas Dwyer* v. *City of Pittsburgh, et al.*, except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent Emmet Mahon in connection with the testimony and document production authorized in section one of this resolution.

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 106–17

Mr. GRASSLEY. Madam President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following convention transmitted to the Senate on January 31, 2000, by the President of the United States: Treaty on Mutual Legal Assistance in Criminal Matters with France, Treaty Document No. 106–17.

I further ask unanimous consent that the convention be considered as having been read the first time, that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed, and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message of the President is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Treaty Between the Government of the United States of America and the Government of France on Mutual Legal Assistance in Criminal Matters, signed at Paris on December 10, 1998. I transmit also, for the Senate's information, an explanatory note agreed between the Parties regarding the application of certain provisions. The report of the Department of State with respect to the Treaty is enclosed.

The Treaty is one of a series of modern mutual legal assistance treaties being negotiated by the United States in order to counter criminal activities more effectively. The Treaty should be an effective tool to assist in the prosecution of a wide variety of crimes, including terrorism and drug trafficking offenses. The Treaty is self-executing.

The Treaty provides for a broad range of cooperation in criminal matters. Mutual assistance available under the Treaty includes: obtaining the testimony or statements of persons; providing documents, records, and items of evidence; locating or identifying persons or items; serving documents; transferring persons in custody for testimony or other purposes; executing requests for searches and seizures; assisting in proceedings related to immobilization and forfeiture of assets, restitution, and collection of fines; and rendering any other form of assistance not prohibited by the laws of the Requested State.

I recommend that the Senate give early and favorable consideration to the Treaty and give its advice and consent to ratification.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *January 31, 2000.*

ORDERS FOR TUESDAY, FEBRUARY 1, 2000

Mr. GRASSLEY. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9:30 a.m. on Tuesday, February 1. I further ask that on Tuesday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then resume debate on S. 625, the bankruptcy reform bill, under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Further, I ask unanimous consent that the Senate stand in recess from the hours of 12:30 p.m. to 2:15 p.m. for the weekly policy conferences to meet.

The PRESIDING OFFICER. Without objection, it is so ordered.

SCHEDULE

Mr. GRASSLEY. Madam President, for the information of all Senators, the Senate will resume consideration of the bankruptcy reform bill at 9:30 a.m. tomorrow, with Senator WELLSTONE in control of the first hour. There are other remaining amendments that will be debated and voted on throughout Tuesday's and Wednesday's session of the Senate, with a vote on final passage expected to occur no later than Wednesday. As a reminder, in addition, a cloture motion has been filed on the motion to proceed to the nuclear waste disposal legislation, and that vote will occur following the completion of the bankruptcy bill during Wednesday's session of the Senate.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. GRASSLEY. Madam President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 4:44 p.m., adjourned until Tuesday, February 1, 2000, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate January 31, 2000:

DEPARTMENT OF COMMERCE

NICHOLAS P. GODICI, OF VIRGINIA, TO BE AN ASSISTANT COMMISSIONER OF PATENTS AND TRADEMARKS, VICE PHILIP G. HAMPTON, II.

FEDERAL DEPOSIT INSURANCE CORPORATION

RICHARD COURT HOUSEWORTH, OF ARIZONA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE FEDERAL DEPOSIT INSURANCE CORPORATION FOR THE REMAINDER OFTHE TERM EXPIRING DECEMBER 25, 2001, VICE JOSEPH H. NEELY, RESIGNED.

DONNA TANOUE, OF HAWAII, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE FEDERAL DEPOSIT INSURANCE CORPORATION FOR A TERM OF SIX YEARS. (REAPPOINTMENT)

HARRY S TRUMAN SCHOLARSHIP FOUNDATION

SCOTT O. WRIGHT, OF MISSOURI, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE HARRY S TRUMAN SCHOLARSHIP FOUNDATION FOR THE REMAINDER OF THE TERM EXPIRING DECEMBER 10, 2003, VICE JOSEPH E. STEVENS, JR.